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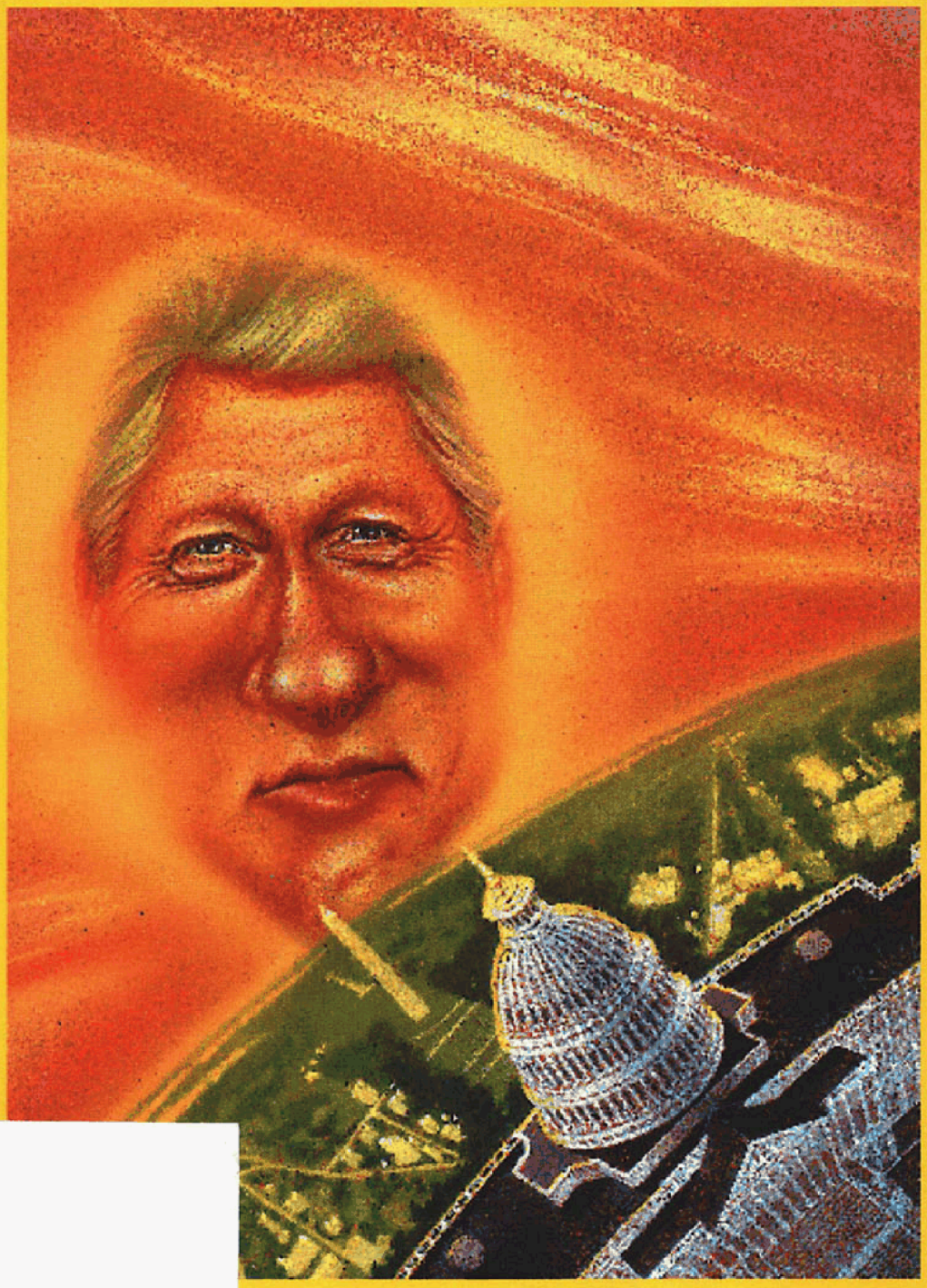

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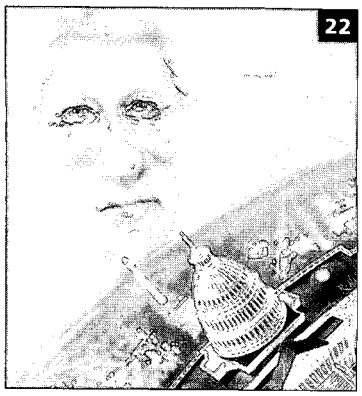

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REASON (ISSN 0048-6906) is published monthly except combined August/September issue by the Reason Foundation, a nonprofit, tax-exempt organization, 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034-6064. Periodicals postage paid at Los Angeles, CA, and additional mailing offices. Copyright© 2000 by Reason Foundation. All rights reserved. Reproduction or use, without permission, of editorial or graphic content is prohibited. Reason and Free Minds and Free Markets are registered trademarks owned by the Reason Foundation. **SUBSCRIPTIONS:** $26 per year. Outside U.S. add $8/year surface, $55/year airmail. Address subscription correspondence to Reason, P.O. Box 526, Mt. Morris, IL 61054, 815-734-1102. For address change (allow six weeks), provide old address and new address, including zip code. **UNSOLICITED MANUSCRIPTS** returned only if accompanied by SASE. **INDEXED** in Readers' Guide to Periodical Literature, InfoTrac, Historical Abstracts, Political Science Abstracts, America: History and Life, Book Review Index, and P.A.I.S. Bulletin. Available on microfilm from University Microfilms International, 300 North Zeeb Rd., Dept. P.R., Ann Arbor, MI 48106. **Printed in the United States. POSTMASTER:** Send address changes to Reason, P.O. Box 526, Mt. Morris, IL 61054. Publications Mail Sales Agreement No. 1476696.

Mergers & Disquisitions

Reasons not to sweat AOL-Time Warner—and other megadeals

By Nick Gillespie

When America Online and Time Warner announced merger plans earlier this year, one of the most vocal reactions was also one of the most predictable: basso profundo bellowings about increasingly "corporatized media" that threaten "historic notions of a free, diverse, and independent press"; "a virtual monopoly of media ownership"; and the imminent creation of a "free-enterprise equivalent of a Ministry of Culture."

These worries are, unsurprisingly, most pronounced on the left, but foes of Bigness across the political spectrum share similar concerns. Let's give such fear-mongering its due: It made it that much easier to ignore Ted Turner's groan-inducing exercise in rumble-seat nostalgia. The Time Warner vice chairman proclaimed that he approached the deal "with as much or more excitement and enthusiasm as...when I first made love some 42 years ago."

But jeremiads against "media-merger mania" are fundamentally misplaced and mistaken—and for reasons that range far beyond the AOL-Time Warner deal (not to mention Time Warner's subsequent merger with EMI). Such concerns reflect a basic misunderstanding of how the economy actually functions. Forget about media monopolies or a market-based Ministry of Culture, whatever that might mean. Assuming the merger passes government regulators' smell test (and by all accounts it will) we can look forward to a $350 billion megacorporation that grovels even more abjectly for customers than AOL and Time Warner do now as separate entities.

Indeed, if AOL's own corporate history is any guide, far from offering slimmer and slimmer pickings to an increasingly captive and dissatisfied audience, "AOL Time Warner" will be pathetically desperate to deliver more and more stuff at better and better prices to restless and demanding subscribers. Today's "250 Hours Free!" on AOL and $40 "special discount" subscriptions to *Time* will seem positively stingy by comparison.

That's not to say the anticonglomeratization crowd has gotten it all wrong. Like the critics, I don't doubt that AOL and Time Warner are hellbent on nothing short of absolute global media domination. As a longtime AOL subscriber (since 1993) who is also currently under the thumb of a Time Warner cable franchise, I can testify from personal experience that neither company seems overly concerned with customer service out of a sense of altruism. Despite Time Warner CEO Gerald Levin's testimony at a press conference, I'm confident that the new company couldn't care less about serving "the public interest" (a term, in any case, as expansive as it is meaningless).

MIKE LUCKOVICH

Critics are absolutely correct to note that, as *The Nation*'s Victor Navasky wrote in *Time* (of all places), AOL and Time Warner are ultimately concerned only with turning a buck for shareholders. And who's going to seriously argue with NYU professor and prominent media critic Mark Crispin Miller when he told National Public Radio that, "It's not in the interests of those who control the purse strings to have certain kinds of news be made available"? The University of Texas' Gary Chapman (another respected media maven) was right in warning in a *Los Angeles Times* piece that "the moguls of AOL, Time Warner, AT&T, Microsoft, and other companies view the Internet...as a consumer service used primarily to sell products and secondarily to entertain or inform."

As I said, such insights are not wrong. Rather, they're beside the point. The motives and predilections of companies are, in the end, much less important than their actual behavior. We can safely assume that AOL and Time Warner care mostly about making money, that they'd like to control all negative reports about themselves, and that educating their customers is not a high priority; additionally, we can figure that if they could get our money for doing nothing, they would.

So what? We can also assume something else: In a relatively free market, companies get big and stay big primarily by giving people what they want—and often more than they want—at pretty good prices. They may be brutally competitive with other firms but they tend to put on

kid gloves when it comes to the customer.

Examples of this abound throughout the economy, where the big kids on the block tend to act more like buddies than bullies: Think of Coca-Cola, which dominates the U.S. soft drink market with a 44 percent share (and two-thirds of fountain sales). When's the last time Coke raised its prices? Over at least the past 20 years, a 2-liter bottle of Coke—or Diet Coke, or Caffeine Free Diet Coke, or Cherry Coke, or any of its proliferating sub-brands—has rarely wandered out of the 99 cents–$1.50 range.

The same goes for McDonald's, which rules the U.S. fast-food market with a 43 percent share. McDonald's is so desperate for customers that it's held prices essentially constant over the past two decades, while boosting portion sizes (burgers, fries, and drinks are all bigger than they used to be), expanding its menu, and building elaborate play structures for kids while simultaneously throwing increasingly sophisticated toys at them. In the case of McDonald's, such tactics have not even been particularly successful: Despite maintaining its top niche position, the Golden Arches continues to leak market share to an increasing number of rivals.

Even my local Time Warner cable franchise—which, of course, has a monopoly granted and enforced by my municipal government—has seen fit lately to upgrade its service and expand its offerings. Absent actual cable competitors (thanks to pliant local legislators across the U.S., fewer than 5 percent of American households have any choice in cable systems), the franchise still needs to compete against satellite dishes, old-style antennas, and the option to stop watching pay TV. As economist John Mueller notes in his recent *Capitalism, Democracy, and Ralph's Pretty Good Grocery*, even monopolists have reasons to court a captive market. If they do so, explains Mueller, they're "more likely to be able to slide price boosts past a wary public—that is, such moves are less likely to inspire angered customers to use less of the product and/or to engender embittered protest to governmental agencies."

A similar dynamic toward better terms and offerings for customers undergirds AOL's growth from a small online operation started in 1985 to the world's largest Internet service provider (with about 20 million subscribers, it has about half the global market for dial-up ISPs.) How'd AOL get that big? By surrendering time and again to customer demands. The service was originally marketed as a closed system that offered no Internet access and unreliable e-mail delivery to non-AOL addresses. Subscribers were supposed to be satisfied with proprietary content and internal chat groups (and were, for a while).

Soon enough, AOL realized that if it wanted to keep subscribers—who cost anywhere from $45 to $300 to acquire in the first place—it had to deliver full Internet and World Wide Web access. Its first Web browser was a buggy piece of junk, a situation the company remedied by building Microsoft Internet Explorer into its larger program (which it also upgrades regularly) and by purchasing Netscape. When other ISPs shifted from hourly to flat-rate pricing plans, AOL followed suit and famously bungled the transition. The company's response to irate customers frustrated by busy signals was to massively increase its dial-up capacity—even before a class-action lawsuit that lined the pockets of a few entrepreneurial lawyers got underway. AOL's continued hunt for faster and better Internet access is perhaps its major interest in Time Warner, the country's second-largest cable operator.

Interestingly, even as AOL has morphed into a portal system that lets users go wherever they want—including off the AOL grid—they've maintained much of their more-useful proprietary material, which now comprises a supplement to the Internet.

If this is market domination (and it is) you can almost feel pity for AOL or Time Warner, much less for the new combined behemoth. It's far from clear that "AOL Time Warner" will succeed in the long haul, either in terms of growing its market share or rewarding shareholders. This much, though, seems pretty certain: The moment it stops doing whatever its customers want, it will join the ranks of Sears Roebuck, A&P, IBM, and other once-dominant companies that have either disappeared altogether or linger on as mere shadows of their former selves.

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Los Angeles, CA 90034
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REASON is published by the Reason Foundation, a non-profit organization under section 501(c)3 of the Internal Revenue Code. All contributions are tax-deductible.

REASON
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President and Publisher Robert W. Poole Jr. *(bobp@reason.com)*

Editor-in-Chief Nick Gillespie *(gillespie@reason.com)*

Senior Editors
Charles Paul Freund *(cpf@reason.com)*
Jacob Sullum *(jsullum@reason.com)*
Associate Editor Jesse Walker *(jwalker@reason.com)*
Washington Editor Michael W. Lynch *(mlynch@reasondc.org)*
Assistant Managing Editor Mariel Garza *(mariel@reason.com)*
Science Correspondent Ronald Bailey *(rbailey@reason.com)*
Washington Reporter Ryan H. Sager *(rhsager@gwu.edu)*
Editor-at-Large Virginia Postrel *(vpostrel@reason.com)*
Editorial Assistants Robert Honrado, Mary Toledo
Art Director Barb Burch *(bburch@reason.com)*
Webmaster Brian J. Taylor *(webmaster@reason.com)*
***Reason Express* Writer** Jeff A. Taylor *(jtaylor@reason.com)*

Contributing Editors
Gregory Benford, James V. DeLong, Edith Efron, Glenn Garvin, Steven Hayward, Thomas W. Hazlett, David R. Henderson, John Hood, Brink Lindsey, Carolyn Lochhead, Loren E. Lomasky, John McClaughry, Deirdre N. McCloskey, Michael McMenamin, John J. Miller, Charles Oliver, Walter Olson, John J. Pitney Jr., Thomas Szasz, Frederick Turner, Martin Morse Wooster, Cathy Young

Cartoonists
Chip Bok, Henry Payne, Scott Stantis

Public Affairs Director Mike Alissi *(malissi@reason.com)*
Circulation Director Alyssa Garey *(agarey@reason.com)*
Assistant Publisher Michael Orendy *(michaelo@reason.com)*
Legal Adviser Don Erik Franzen

Editorial and Production Offices
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064
310-391-2245 Fax: 310-391-4395

Washington Office
1717 Pennsylvania Ave., NW, Suite 260
Washington, DC 20006
202-955-1324 Fax: 202-955-3187

Advertising Sales
The Townsend Group, Inc.
4920 Elm St., Suite 325
Bethesda, MD 20814
301-215-6710 Fax: 301-215-7704
(ads@reason.com)

Circulation Service
P.O. Box 526, Mt. Morris, IL 61054
1-888-REASON-8 (1-888-732-7668)
(subscribe@reason.com)

Reason is published by the Reason Foundation, a 501(c)(3) nonprofit educational foundation. Contributions to the Reason Foundation are tax-deductible. Signed articles in *Reason* reflect the views of the authors and do not necessarily represent those of the editors, the Reason Foundation, or its trustees; articles should not be construed as attempts to aid or hinder the passage of any bill before any legislative body. The claims and opinions set forth in paid advertisements published in this magazine are not necessarily those of the Reason Foundation, and the publisher takes no responsibility for any such claim or opinion.

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Crime, Texas, and the NRA

The interview with economist John Lott ("Cold Comfort," January 2000) revealed a surprisingly cogent point of view considering how politically incorrect it is. Anyone who has survived the childhood playground bully will accept that the bad guys seek victims they don't expect to fight back. The statistics on how rare it is for guns to cause the accidental deaths of children were also an eye-opener for me.

After 20 years of dinner-table lectures on this subject from my criminology professor father, I have a number of questions: Most important, do guns play a significant statistical role in deaths due to domestic violence or disputes among people who know each other? My father always stressed that most murders were not random but responses to psychological stresses in relationships. It's a lot easier to pull a trigger on your wife while in a rage than to beat her to death with a bat.

Next, did the changes in permit laws studied by Lott cause an increase in these types of deaths, even while decreasing rates of crimes against strangers? The other thing my father always stressed was that most criminals respond to impulse and do not meticulously plan out their crimes as is portrayed in detective novels. He considers crime to be a failure of self-control by the criminal. In light of that, it is amazing that the change in gun laws described by Lott could have such a powerful influence on crime rates. This could mean that deterrent strategies such as the death penalty may have some value after all.

Steven Toby
Arlington, VA
s.toby@worldnet.att.net

The views of John Lott are so contrived and convoluted that they cannot go unchallenged. If his assertion that thousands of murders and assaults can be prevented if all citizens are permitted to carry concealed guns is correct, Texas should be the safest place in the world.

Texas has a population of more than 17 million people who, between them, legally own 68 million guns. There are no gun registration laws. Not surprisingly, in 1991, 3,692 people were shot to death in Texas.

If these statistics seem impersonal, consider this family event: After a family row, 14-year-old Juan Ramon of Halthom City did what many Texans do when they get angry: He started shooting. He shot a dog and injured three neighbors before killing a cop who had answered the emergency call. He was later killed by police.

Ramon's spree never would have happened if there weren't guns in the house. Several other shooting deaths followed, all within weeks of the February 1993 shootout at the Branch Davidian compound near Waco. The confusion over what to do about the proliferation of guns is not confined to Texas. In Washington, the Brady Bill remains threatened with repeal by the Republican-dominated House.

Lott fails to realize that criminals are not the only people who misuse guns. Good men can, and do, especially when they are jealous, paranoid, depressed, or drunk. The gun lobby's familiar refrain that "guns don't kill people, people kill people" is transparent sophistry. In fact, people with guns kill people.

Mahmood Elahi
Ottawa, Canada
omega51@netcom.ca

I was pleased to see that a magazine was willing to conduct an honest interview with John Lott. I must comment, however, on the remarks about the National Rifle Association doing a poor job of making its case and being on the defensive.

The Department of Justice has claimed that thousands have been turned down for gun purchases due to the instant background check. The NRA has chided the current administration because the intent of the law should be to arrest and prosecute, not to prevent sales in the legal market. The NRA also pointed out that most initial denials were due to system flaws, not legitimate records of past offenses.

Lott agrees with the NRA stand on gun locks and bad laws, though he seems to be unaware of it. In numerous articles, the NRA has pointed out the flaws of gun-free zones, that women are safer when they know how to use guns for self defense, that minorities in urban areas suffer the most when guns are outlawed, and gun laws preventing honest people from getting guns always work to the advantage of criminals. If REASON and Lott were NRA members they would know that the NRA is indeed very well versed in all arguments of the gun control debate.

Karl Black
Belleville, MI
blackk@fhsmtp.fh.trw.com

John Lott replies: Steven Toby asks whether most murders involve individuals who are close to each other. His fear may stem from FBI statistics that indicate that about 50 percent of murders are committed by "acquaintances." But that is a broad term; most of those murders involve drug buyers and pushers, gang members, and prostitutes.

The typical citizen does not become a murderer. About 90 percent of adult murderers already had a criminal record. Murderers are overwhelmingly young males with low IQs who find it difficult to get along with others.

Also in regard to Mr. Toby's question, in my book *More Guns, Less Crime* I find that murders among strangers as well as among acquaintances fall after the right-to-carry laws are adopted. Mr. Toby is surprised that concealed handgun laws deter crime since murder is "a failure of self-control." However, just as higher arrest or conviction rates or longer prison sentences can deter criminals, allowing potential victims to defend themselves also appears to work. Surveys of criminals indicate that they avoid victims known to be armed.

Mahmood Elahi makes the common but nonetheless false claim that the areas with the highest gun ownership rates have the highest murder rates. There is no such positive correlation in the U.S. or other nations. The U.S. states with the highest gun ownership rates actually tend to have the lowest violent crime rates. More importantly, those states with the biggest relative increases in gun ownership have had the biggest drops in violent crime.

Mr. Elahi's claim about Texas is wrong: In 1996, Texans owned guns at slightly below the national rate. Texas is a relative newcomer to concealed handgun laws, not enacting its law until 1996. It has both the highest permit fees and one of the longest training requirements. Despite this, Texas has seen crime rates fall.

Karl Black argues that I have been too tough on the NRA. This is true, in part; the NRA is the only organization large enough to effectively fight gun control. Yet, while informing its members about defensive gun uses is valuable, most Americans hear little about the defensive benefits. Arguing that gun laws are not being enforced is shortsighted because, unless you also point out the benefits of gun ownership, the response will be: "Let's enforce the old laws and enact some new ones."

Crop Circles

I've just finished reading "Crop Busters" (January 2000) and wanted to thank Michael Fumento for voicing the opinion of so many of us in the biotech/seed production industry.

I am a researcher for a major seed producer and was involved in a corn trial that was vandalized last fall. The destruction was financially minor but I had spent a good portion of my summer in that particular field and was furious when I discovered the damage. Although disgusted by the vandalization, I felt lucky after I heard of the damage done to my colleagues' greenhouses down the road that same night.

I fear that this is only the beginning of the "nonviolent decontaminations" in the U.S. At my facility, we are fortunate to have the resources for nighttime security, but what about the smaller research firms and graduate students?

The researchers doing this work aren't making six-figure salaries, as many of our opponents would like to believe. Many, such as myself, grew up on farms and ranches and know how hard it is to make a living in agriculture. Anything we can do to make America's farms more productive is a reward in itself. The idea of returning to organic farming or using native lines of seed to feed the earth's 6 billion people is not only ridiculous, but impossible.

Bart Wink
Northern California (city withheld)

Michael Fumento inadvertently raises several broad issues in his article. The first is public outrage. In the past 15 years, the Food and Drug Administration, the Environmental Protection Agency, and the U.S. Department of Agriculture have slowly evolved a policy that allows the development, testing, and marketing of genetically engineered food crops without review by any government agency and without requiring the food sold to the public be labeled as genetically engineered. There is only one exception: an FDA restraint on foods with suspected allergens.

Surveys and hearings show that many people object to being unwitting test subjects for research projects, so it should be no surprise that there is a form of riotous behavior to genetically engineered foods.

Next, Fumento uses a deceptive simile: that genetic engineering is the same as

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breeding. Genetic engineering is not like breeding. It is a new scientific venture with new risks and a wide range of new consequences. Most intelligent human beings are offended by deceptive similes used as political weapons and recognize their abuse in this instance.

Lastly, Fumento raises the issue of science being used to destroy the commons. The destroyers of genetically engineered crops are concerned that these crops will escape and breed with similar crops or poison symbiotic species. They believe that all species on the planet are part of a commons that genetic engineering is intruding upon and possibly destroying.

There are two problems with the issue of the genetic commons. The first is that there is no legally constituted body designated to make changes to this global commons. Certainly a group of unknown, unelected American scientists have no right to make these genetic changes. So the attacks on a group intruding on a global commons could be considered a form of public defense.

Michael Phillips
San Francisco, CA
mp@well.com

Although I do not condone or agree with the tactics and actions of the "eco-terrorists," neither do I accept or agree with many of the mainstream attitudes concerning bio-engineering.

Why not go a bit further into the underlying science? Why not mention the current research that reveals severe ecological and physiological problems, both extant and potential, with transgenic technology for agricultural purposes? Why not explain the very real differences between intraspecific selection and transgenic manipulation? Why not explain the simple concepts of resistance and natural selection for fitness based on that resistance? Why not explain why this is so alarming to traditional farmers and other critics of bio-engineered seed technology?

Why not go into the underlying politics? Why not mention the "democratic" free-market actions by such firms as Monsanto to buy as many independent seed houses as possible to ensure a monopoly? Why not mention that company's disinformation campaign to discredit numerous independent farmers' experiences of lower yield, higher pesticide usage, and higher costs with Monsanto's own products? Why not mention Monsanto's abuse of political influence to coerce other nations into adopting bio-engineering technology or face sanctions as a result?

For an ostensibly libertarian author to align with such statist and elitist rhetoric is a stunning display of hypocrisy, one which does nothing to advance the public's understanding of real and potential problems that will definitely impact all sectors of society, the "rationalists" included.

Please note that my letter reflects only my own views and opinions, and not necessarily those of the University of Texas administrators or Board of Regents.

Mark Dennis
University of Texas at Austin
Science Education Center
mdennis@mail.utexas.edu

I enjoy reading REASON because the articles generally build careful cases for or against a subject and are not mere rants. So it was with great surprise, and dismay, that I read Michael Fumento's rant about bio-vandals, whom he calls "terrorists," "cowardly groups," and "crop killers."

Mr. Fumento does not really construct a case for or against genetic engineering. He makes pronouncements rather than build arguments. Adding jellyfish genes to corn seeds, for example, is to him the same as crossbreeding corn plants. He tells us the "eco-terrorists' " threats of violence caused Marks & Spencer to remove biotech foods from its shelves. The fact that few in England are buying genetically modified food may better explain why.

Mr. Fumento assures us that the government has approved this whole process and so we can all rest peacefully and leave our fears of bio-engineered foods behind. That's too silly to even comment upon.

Steve Kaplan
Minnesota Law & Politics
Minneapolis, MN
kaplan@lawandpolitics.com

Michael Fumento replies: Mr. Phillips' argument contains the seeds of its own destruction. If you produce a drug, the FDA regulates you. Produce non-biotech crops and the USDA regulates you. Produce pesticides for use on crops and the EPA regulates you. But produce biotech crops and you're regulated by all three agencies. This to him somehow qualifies as "without any review." Biotech engineering *is* genetic engineering; it's merely a subcategory. Any crossbreeding involves gene transfers. Biotech can, in fact, be used to combine two organisms that would normally be unable to breed. But it has the advantage of allowing selected genes to be chosen, rather than combining all the genes of one strain of plant or animal with all the genes of another. While there's no technology that's risk-free, biotech does allow greater control over the process. Thus it lends itself to being safer.

Mr. Dennis asks why I didn't write a lengthy tome answering his eight "Why nots?" If I had—though I doubt he would have cared for it—I might have pointed out that studies show that use of biotech products has produced higher yields in the U.S., not lower ones. This is obvious considering that each year more biotech crops are planted even though the seed cost is higher than for non-biotech crops.

Monsanto's attempts to "coerce" other nations means it is trying to get them to conform to the General Agreement on Tariffs and Trades, which requires that signatories accept any and all food item exports unless there is objective evidence that they're unsafe. Monsanto wants Europeans to stop putting up barriers to our cheaper exports as a way of subsidizing its own farmers.

Apparently Mr. Kaplan thinks invading others' property, destroying it in the name of a political cause, and refusing to accept legal responsibility is something other than vandalism, terrorism, and cowardly. My guess is that Mr. Wink, the victim of one such attack, would disagree.

I did not construct a case for genetic engineering because it was not the thrust of the article. I did, however, show that the vandals' arguments are scientifically bankrupt. I never said that adding jellyfish genes to corn seeds was the same as crossbreeding corn plants. That Marks & Spencer has also had a lukewarm response to biotech foods, as well as receiving threats of violence, is because people of Mr. Kaplan's ilk inveigh against them with false claims.

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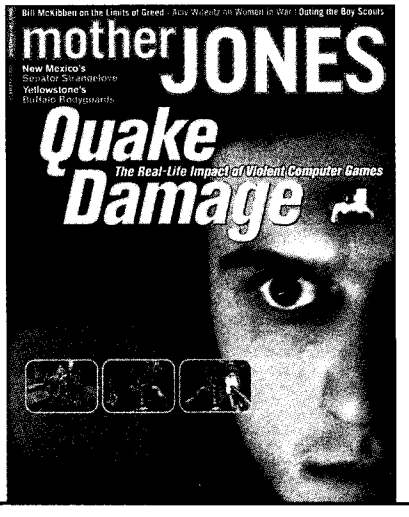
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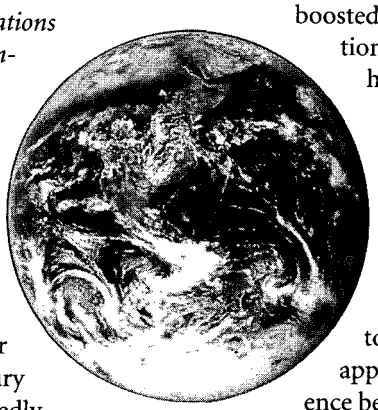
Citings

Rush to Judgment

By Ronald Bailey

In January, the National Research Council, the working arm of the National Academy of Sciences, released a report called *Reconciling Observations of Global Temperature Change.* The most quoted line asserted that the increases in the Earth's surface temperatures over the past century are "undoubtedly real." For Michael Oppenheimer of the Environmental Defense Fund, this ends the global warming debate. "It totally deflates the argument of the so-called skeptics that had used the apparent difference between ground-based and satellite data to argue that we really didn't know whether the world is warming or not," he crowed to *The Washington Post.* The *Post*'s editorial page concluded that "denials that warming has happened are just plain wrong....Some kind of action to reduce greenhouse gas emissions is urgent."



Case closed? Not quite. John Christy, the NASA climatologist who is the principal investigator for satellite temperature measurements, says that the NRC report—which he helped put together—simply concludes that the surface of the earth has warmed over the last century. This has never been in dispute, even by global-warming skeptics. The report also concluded that surface temperatures in the past two decades have risen at a rate substantially greater than average for the past 100 years. However, Christy notes that the recent rate of increase in surface temperatures is in fact less than it was in the early part of the 20th century, which occurred before humanity had significantly boosted concentrations of "greenhouse gases" like carbon dioxide and methane in the atmosphere.

Oppenheimer's rush to dismiss "the apparent difference between ground-based and satellite data" is also simply wrong. The report plainly acknowledges that those differences are real and substantial. The surface apparently warmed by 0.25 C to 0.4 C since 1979. However, the NRC panel estimates the change in the temperature of the atmosphere as between 0 C to 0.2 C during that time. In other words, the atmosphere may not have warmed at all since 1979. None of the computer models pushed by global-warming promoters produces or explains this difference between surface and atmosphere warming. In fact, the models predict the exact opposite. They say that the atmosphere should warm faster than the surface.

As for the *Post*'s editorial and its call to action: The NRC report nowhere deals with the question of what has caused warming over the last century, and its data do nothing to advance the warming crowd's claims. All it ultimately calls for, in fact, is better monitoring and more research. Who can disagree with that?

Balance Sheet

By Jeff A. Taylor

ASSETS

△ **Das Cut.** Germany's Social Democratic government reverses course and backs budget and tax cuts. The corporate tax rate would be cut to 38 percent and capital gains taxes would be slashed. German businesses react by canceling plans to pack up and leave the country.

△ **Wine Crime.** Wine lovers get a champion against state laws prohibiting the direct shipment of wine by out-of-state wineries. The Institute for Justice challenges New York's anti-wine law—and by extension those of 29 other states—in federal court, citing a little document called the Constitution that bars interstate trade wars.

△ **Comp Time.** The Clinton administration takes steps to ease the export of both encryption software and super-fast computers. The new trade regs still need lawyers to navigate, but at least recognize the futility of trying to rope off innovation from global markets.

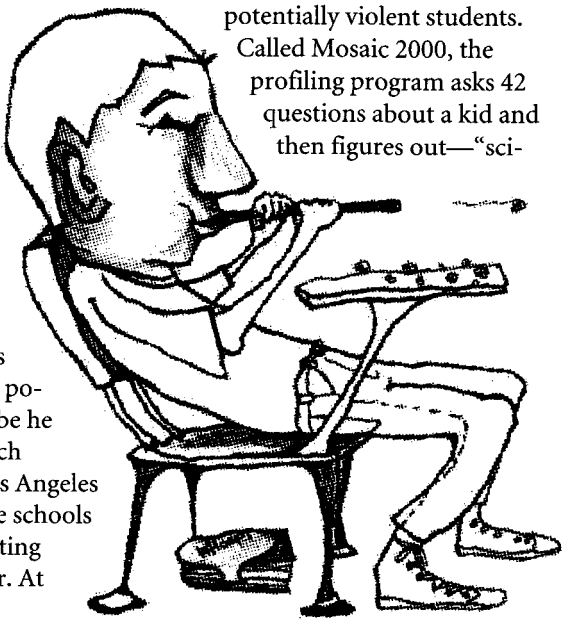
△ **Dressed Down.** Three-quarters of 4,519 locals surveyed by the Littleton, Colorado, school district reject a strict new dress code suggested in the wake of the Columbine shootings. The code would ban hats, camouflage, shorts, skirts more than three inches above the knee, and pants with a waist size more than two inches greater than student's waist.

△ **Reich Stuff.** *Former Clinton secretary of labor Robert Reich* blasts the trend to use federal lawsuits to make policy. Reich argues that attacks on guns and tobacco may succeed in the short term, but the strategy makes "our frail democracy even weaker."

Mental Detector

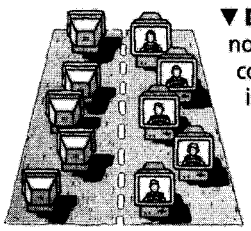
By Mariel Garza

Has Johnny threatened another student or a teacher? Does he write dark poetry? Or maybe he plays too much Doom? In Los Angeles County, some schools aren't just noting such behavior. At the behest of the district attorney, they're testing a computer program that they think will help them identify potentially violent students. Called Mosaic 2000, the profiling program asks 42 questions about a kid and then figures out—"sci-



▼ Mayberry FreeTV. The Senate Agriculture Committee is the locus of a plan to underwrite $1 billion worth of loans to bring satellite broadcasting to rural communities. Politicians are loathe to consider the alternative for rural TV junkies: They could move or buy their own mini-dishes.

▼ Psychic Fiends. A perfectly sane plan to turn New York City welfare recipients into telephone psychics earning $10 an hour is torpedoed when "real" psychics complain. At least there is a demand for these phony jobs.



▼ Digital Debunk. President Clinton announces a $2 billion plan to help low-income families gain access to digital goodies. Too bad he's a day late and a few dollars long. Given current trends, Arthur Andersen projects 91 percent of U.S. households will be connected to the Internet by 2005 (more than now have cable TV).

▼ Empire Stink. New York state's Health Care Reform Act 2000 will cost $9 billion, much of it coming from a new cigarette tax of $1.11 per pack, the nation's highest. Yet if the higher price discourages consumption, lawmakers will be left without a way to pay for benefits the plan extends to an additional 1 million state residents.

▼ Hot Issues. Fire inspectors find the U.S. Capitol building "a potential threat to human life." The architect of the Capitol concedes that if the venerable structure were a private building, it probably would be closed down. Some 10 years worth of upgrades are needed to bring the dome up to code.

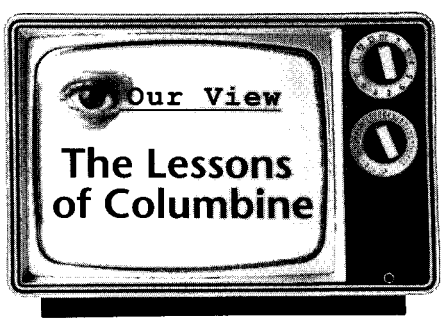
LIABILITIES

entifically," of course—whether his anti-social ways constitute an "escalating pattern" of problem behavior.

The district attorney's office insists that the information won't be used in a sinister way. In fact, a D.A. spokeswoman says each individual's data will be deleted after the information has been entered and an evaluation completed.

Maybe L.A. schools will choose to store the information Mosaic 2000 gleans, and maybe they won't. But other school districts around the country are saving that type of information for later use. In Wallingford, Connecticut, teachers and administrators are keeping files on troubled students—not just to find the already violent ones, but to pick out those "predisposed" to violence. Schools in Granite City, Illinois, are gathering the names of "at-risk" students, which can simply mean students who watch questionable movies or write bleak fiction.

Not surprisingly, this trend has raised the hackles of civil libertarians, particularly the American Civil Liberties Union. "We're concerned about decisions made to discipline students based on the fact that they fit a profile that might include information as disparate as what movies they watch and books they read and whether parents have guns in the home," the ACLU's Ann Beeson told *The Christian Science Monitor.*



Anti-Gun Culture

By Jacob Sullum

Anyone who regularly watches television news will not be surprised by the general conclusion of a recent Media Research Center study: TV reporters do not like guns. Still, the conservative group's attempt to quantify the bias (available at www.mediaresearch.org/specialreports/news/sr20000105b. html) yields some startling numbers.

The center's analysts examined coverage of gun issues by four evening newscasts (on ABC, CBS, NBC, and CNN) and three morning shows (on ABC, CBS, and NBC) from July 1, 1997, through June 30, 1999—a period that includes the massacre at Columbine High School and its aftermath. Counting up reporters' pro- and anti-gun statements, they classified a story as "pro-gun" if the ratio of pro-gun statements to anti-gun statements exceeded 1.5 to 1; they called a story "anti-gun" if the ratio went the other way. The rest of the stories were considered neutral.

"In 653 gun policy stories," the center reports, "those advocating more gun ▶

SOURCES

Journalist Daniel Forbes caused quite a stir earlier this year when he revealed in *Salon* **(www.salon.com/news/feature/2000/01/13/drugs)** that federal drug warriors leaned on TV producers to incorporate anti-drug story lines in their shows. However, **the shenanigans at the Office of National Drug Control Policy don't end with attempts to make a very special episode of *Beverly Hills 90210* even more special.** For another example of disguised propaganda, check out **www.freevibe.com**, an ONDCP-sponsored site produced with the help of Disney that tries to be cool as it scares kids away from drugs. By contrast, the ONDCP's TV ads (viewable at **www.mediacampaign.org/mg/index.html**) are plainly labeled as messages from the government—not that anyone would mistake them for honest information in the first place.

QUOTE

"Commercial airlines don't fly in and out of New Hampshire and South Carolina and all these little places."
—Sen. Chuck Hagel (R–Neb.) explaining why politicians have to use corporate jets, at the American Enterprise Institute, January 6, 2000

BRICKBATS

◆ If you're a teenager in Sioux Falls, Iowa, you better be in by 11 p.m. Teens caught outside after curfew are handcuffed, taken to juvenile detention, and strip searched. Many also report getting grilled on how often they go to church and whether they are sexually active.

◆ In Bureau County, Illinois, Sheriff Greg Johnson—already under investigation for allegedly misusing county money—has a new legal woe. It seems he objected when his 19-year-old daughter had her tongue pierced. So he tried to rip the stud out of her mouth.

◆ You'd better watch your mouth if you go to Laguna Beach, California. Really. The police there now keep tabs on anyone caught uttering a racial slur. Making such remarks isn't a crime, so no one will be arrested. But offenders will be logged into a database for future reference.

◆ In each episode of *South Park*, a character named Kenny is killed. A Canadian woman has objected to this, arguing that she has a son named Kenny and that the repeated death of his namesake may cause him anguish. Therefore, she concludes, the show should be banned—or, at the very least, the character's name should be changed. She proposes "Dweebie or Doofus or any name that has no potential of deeply hurting the psyche of any Canadian." Yeah—like there aren't millions of Canucks who answer to Doofus.

control outnumbered stories opposing gun control by 357 to 36, or a ratio of almost 10 to 1, while 260 were categorized as neutral."

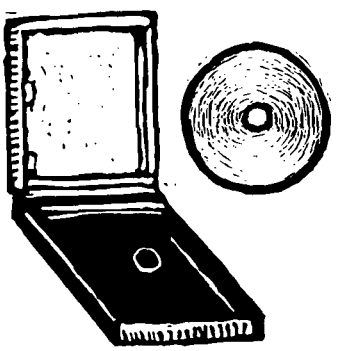
Tax Happy

By Jeff A. Taylor

What better way to make money than to have the taxman rake in your take?

The American recording industry starting pressing for that idea back in the '80s, declaring victory in October 1992, when President George Bush signed the Audio Home Recording Act. That law taxes all digital audio recording devices at 2 percent of the wholesale price and all digital audio recording media at 3 percent of the wholesale price. The money is then routed back to the Register of Copyrights and Librarian of Congress to be disbursed to representatives of the recording industry for an artists' fund.

Now officials at the Copyright Board of Canada have taken the idea a step further, slapping a tax on all recording media, analog and digital alike. The estimated $9 million take will then be sent to Canada's Heritage Ministry to support "uniquely" Canadian artists, composers, and publishers—including, in theory, such hand-to-mouth acts as Shania Twain and Celine Dion.



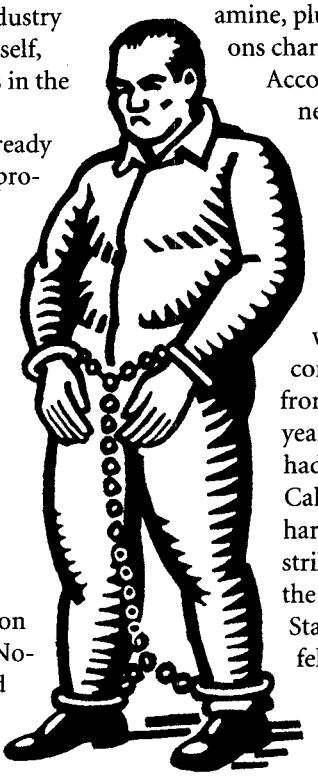
The tax adds 23 cents to the price of every blank cassette and up to 61 cents to each digital format, such as mini-discs or burn-your-own CDs. There are exemptions for a number of users, including religious organizations, broadcasters, law enforcement agencies, courts, and education officials. Interestingly, the music industry managed to exempt itself, along with its buddies in the advertising world.

The scheme has already ignited a Web-based protest at sites like www.canthetax.com, but like its U.S. cousin, the Canadian private tax is likely here to stay.

Strikeout Reform

By Mariel Garza

It was a tragedy—a middle-aged twist on *Romeo and Juliet.* In November, a 46-year-old Sacramento man and his 45-year-old girlfriend killed themselves rather than be kept apart for the rest of their lives. It wasn't a family feud that drove the couple to lock themselves in a garage with the car running. It was a minor criminal offense: possession of less than an ounce of marijuana and a small amount of methamphetamine, plus a weapons charge.



According to newspaper reports, the man had just found out that the crime, coupled with prior convictions from about 20 years earlier, had triggered California's harsh three-strikes law. In the Golden State, a third felony conviction automatically leads to a

☛ "One may [argue] that counting write-in and protest votes will encourage the electorate into voting for 'Mickey Mouse,' 'Yogi Berra,' and 'Stalin.' True...yet who are we, or the election officials, to deny [voters] this right?"

The best choice at the election booth may well be the most incompetent candidate, the one least likely to be able to think of ways to corrupt the system further."

—Ridgway K. Foley Jr., "A Meaningful Franchise"

☛ "A radical, but sensible, answer to [drug war–related] costs was recently endorsed by the City Council of San Anselmo, Calif. By a 3 to 1 vote the Council asked the legislature to drop *all* criminal penalties for drug use."

—"Drug Policy Changes"

prison sentence of 25 years to life, regardless of the severity of the crime. Although judges have some discretion to disregard minor offenses, the law still forces many nonviolent offenders to spend long stretches behind bars.

Now a group called Citizens Against Violent Crime is circulating an initiative to reform the law. The revamped rule would apply only to violent or otherwise serious felonies, and not to small-time crimes such as drug possession. The initiative is co-sponsored by Sam H. Clauder II, a political consultant in Orange County who worked to pass the original law but later decided it was too severe, and Joe Klaas, grandfather of Polly Klaas, the Northern California girl whose murder was the catalyst for the original law. If adopted, the initiative would empty an estimated 23,000 to 45,000 jail cells in the state, Clauder says.

There have been three unsuccessful efforts to reform the three-strikes law in the legislature, but this is the first ballot initiative to be attempted. The initiative's supporters have until June 1 to get the 420,000 signatures they need to qualify for the November ballot.

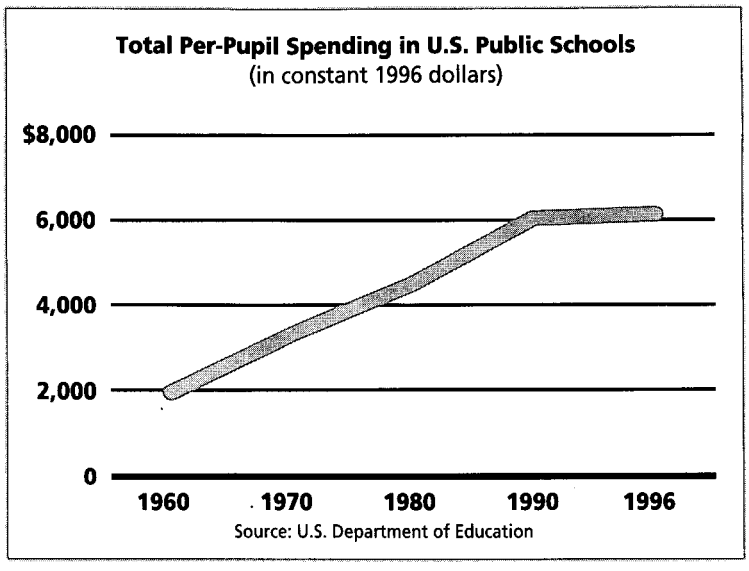
DATA

Just Send Money

By Michael W. Lynch

To hear public school advocates tell it, the only real problem with schools today is taxpayer parsimony. As the country's largest teachers union, the National Education Association, claims on its Web site (www.nea.org), "Funding has not kept pace with dramatic increases in enrollment or with the rising costs of educating a diverse student body with varied needs."

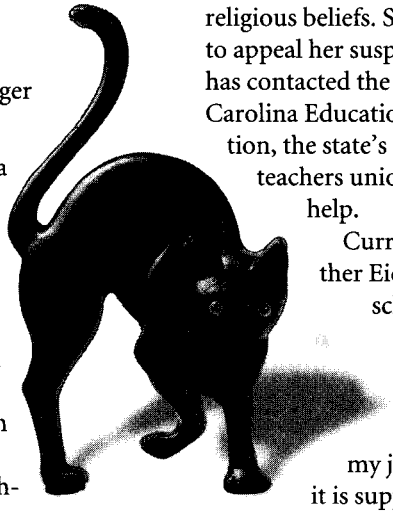
Those needs must be exceptionally diverse—and pricey, too. According to U.S. Department of Education stats, real per-pupil spending more than tripled between 1960 and 1996 (the last year for which there are complete data). Over the same period, the number of pupils per teacher declined from 26 to 17 while salaries for instructional staff jumped from $27,206 to $39,451 (in constant 1996 dollars).



Says Mike Antonucci, director of The Education Intelligence Agency, a private research firm based in Sacramento California, "Instead of getting a bang for our buck, we are getting a whimper."

Bewitched

By Ryan H. Sager



A North Carolina high school teacher is fighting to regain her job after being suspended for practicing the pagan faith Wicca. Shari Eicher, an 11th-grade English teacher at Scotland High School in Laurinburg, North Carolina, told Reuters news service that she had been escorted off campus by school officials and suspended indefinitely after administrators learned of her religious beliefs. She intends to appeal her suspension, and has contacted the North Carolina Education Association, the state's largest teachers union, for legal help.

Currently, neither Eicher nor the school board will comment on the issue. "I do my job the way it is supposed to be done," Eicher told Reuters in January. "My students learn what they're supposed to learn. What I do in my private time and how I worship my concept of deity are none of their business."

Digital Doubts

By Adam Clayton Powell III

Every television station in the country is required to shift to digital broadcasting in the next seven years, following broadcast standards developed and approved by the federal government. The broadcast industry is spending billions of dollars to implement the Federal Communications Commission's orders; more than 100 stations reaching 50 percent of the American people now transmit digital signals, and over 100,000 digital TV receivers have been shipped to dealers since August 1998.

The idea is simple enough: Use the government to speed up and coordinate the adoption of the next generation of broadcasting technology.

In January, the Sinclair Broadcast Group performed independent field tests for digital broadcasting in Baltimore and Washington, D.C. The result: In many parts of the cities, digital high-definition TV sets received no pictures at all.

Oops.

The problem is with "MultiMate" distortions, which on analog TV sets ▶

BRICKBATS

◆ Another cartoon, however, is in the clear up north: The Canadian Broadcasting Standards Council has decided not to ban Bugs Bunny. A viewer had complained the cartoons were sexist, objecting specifically to a short in which Bugs escapes from a witch by dousing her in magical powder. The witch is transformed into a beautiful female rabbit. As the two walk off, Bugs turns to the viewer and says, "Sure, I know! But aren't they all witches inside?"

◆ In Wales, a court has suspended three policemen for 28 days for riding their motorbikes at 110 mph, well above the 70 mph speed limit. They got off easy: A civilian caught riding above 100 mph in Wales faces a hefty fine and loss of his license for up to five years.

◆ In Palm Beach County, Florida, a sheriff's deputy was captured on videotape stopping a 9-year-old boy for riding a bicycle without a helmet. In addition to ticketing the boy, the deputy handcuffed him and pushed him to the ground. The department says he did nothing improper.

◆ And in Mesa, Arizona, the powers that be have pulled the plug on a junior high school performance of a play based on *Tom Sawyer*. School officials found the play, and the book, to be racist. They also decreed that it's offensive to women, to police officers, and to churchgoers.

—Charles Oliver

cause "ghosts"—outlines caused by television signals bouncing off nearby buildings and walls. The new digital standard was designed to be ghost-free, but in many cities it not only got rid of ghosts, but eliminated the pictures altogether.

Another problem: Most cable systems are not technically able to relay the signals, which means that the roughly 60 percent of households with cable will not be able to show high-definition pictures any time soon.

Oops again.

What went wrong? In establishing the new standard, the FCC's field tests evaluated digital TV reception using 30-foot antenna booms on trucks, not the antennas used by most American viewers. And neither the government nor the industry tested digital reception indoors—that is, where most people watch television.

Meanwhile, in each location tested by Sinclair, all the stations could be received by an inexpensive two-inch Sony Watchman. "It is sobering that a Watchman costing less than $100 outperformed digital TV sets costing several thousands of dollars," comments Mark Hyman, Sinclair's head of corporate relations.

So what happens next? Sinclair and some other broadcast groups want the FCC to amend the digital standard. But so far the commission, like all too many high-definition TV screens, is silent.

Hazardous Decisions

By Brian J. Taylor

In a sane world, it would be an obvious point; in this one, it bears repeating. When legislators craft public policy and when regulators enforce it, they tend to put political considerations before the public interest.

The most recent scholars to demonstrate this are W. Kip Viscusi of Harvard and James T. Hamilton of Duke, who recently took a hard look at where Superfund concentrates its efforts to clean up hazardous wastes. The results appeared last September in *The American Economic Review*, under the title "Are Risk Regulators Rational?"

According to Viscusi and Hamilton, "most of the significant influences on Superfund site decisions do not follow the expected pattern for efficient risk management," which would emphasize how many people are being exposed to risks and how much each clean up costs per life saved. While some cleanup decisions were grounded in solid cost-benefit calculations, a majority of cleanups were inspired simply by political influence. Instead of spending money where it was needed most, Superfund's choices reflected which counties had a higher percentage of voters, which sites had received more press attention, which chemicals were more notorious (which isn't always the same as being more dangerous), and which states contained a higher rate of membership in environmental groups—and environmentally conscious senators.

The effect, of course, was to divert money from places that needed it more. That's an understandable result, and given how special-interest politics work, perhaps even an inevitable one. And one that Superfund is unlikely to clean up anytime soon.

DVD'd to Death

By Jeff A. Taylor

When it came to extending copyright protection to the digital realm, content owners over the past few years have harped on the need to go after pirates and other outlaws who try to make money by stealing and reselling copyrighted works. Honest folks like Internet service providers (ISPs) had nothing to fear, we were told. That turns out to be a lie.

In New York in January, a U.S. district judge sided with the Motion Picture Association of America, the movie industry's powerful lobbying arm, granting a preliminary injunction against site operators who posted a DVD-encryption descrambling program that, in theory, might

be used to make perfect copies of DVDs. The MPAA argues that the program, DeCSS, violates the Digital Millennium Copyright Act of 1998 because it "circumvents" DVD's security measures. The program, which originated as an attempt to build a DVD player for the open-source Linux platform, had been posted as a free download on several World Wide Web sites. Lawyers for the media guys are arguing that ISPs are responsible for everything—even a tiny piece of code like DeCSS—that transverses their far-flung networks.

The judge bought that reasoning and so included in his injunction the owner of an ISP that had the offending file on one of his servers. As a result, any and all copies of DeCSS must come down.

Interestingly, no one is claiming that the program was specifically written to rip off content owners—merely that it can facilitate such behavior. If such a mindset prevails in the courts, it will essentially outlaw backward engineering of software, a key element of the open-source method of software development. By definition only existing, licensed, proprietary methods for handling copyrighted content will be legal. Building your own player would be theft.

The New York case, *MPAA v. Reimerdes, Corley and Kazan,* and a similar one in California are both expected to go to trial soon. There the Electronic Frontier Foundation (www.eff.org) plans to fight Hollywood's content dons. Through a hired-gun Norwegian law firm, the movie industry pressed officials in Norway to arrest 16-year-old John Johansen and his father on charges of breaking a "security arrangement." Johansen was among the first to post DeCSS and his dad hosted the Web pages.

However, strong-arming teens worldwide won't change this basic fact for the content producers: The wired crowd to whom they would so desperately like to sell things is not a passive bunch. They are going to buy something, take it apart to see how it works, and re-arrange it in new ways. Criminalizing such behavior seems an odd way to capture that market.

SOUNDBITE

Parental Leave

By Jonathan Ellis

John T. Bruer

Hillary Clinton, among many others, has claimed that the first three years of a child's life "can determine whether children will grow up to be peaceful or violent citizens, focused or undisciplined workers, attentive or detached parents themselves." In *The Myth of the First Three Years: A New Understanding of Early Brain Development and Lifelong Learning* (The Free Press) John T. Bruer—president of the James S. McDonnell Foundation, which issues grants for biomedical and behavioral sciences research—argues that this increasingly popular view is wrong. Brain science, Bruer says, shows that the brain is capable of lifelong learning, an optimistic message that somehow escapes the ken of early-intervention advocates. Freelance journalist Jonathan Ellis recently spoke with Bruer, the father of two adolescent boys, via telephone.

Q: If very young children aren't stimulated properly, are they disadvantaged for the rest of their lives?

A: There are some aspects of early development that require certain kinds of stimulation: development of the visual system, development of first language skills, maybe some social and emotional skills. But the kinds of experiences neurologically normal children need are everywhere around them. The stimulation just occurs. The kind of development that requires early stimulation is quite limited, and it doesn't extend to the kinds of things we learn later in school. It doesn't extend to music. It doesn't extend to sports.

Q: Why do so many people increasingly believe that zero-to-three years is the key to healthy development?

A: It's a long story that goes back to 17th- and 18th-century Europe, when the belief about the importance of early childhood and the role of parenting arose. We incorporated those assumptions into our theories about development. We are also fascinated by what the brain does, and we seem to have a cultural predilection for biological explanations. On the surface, the emphasis on zero-to-three years appears to provide a brain-based biological explanation for some very cherished views about child rearing. But generally, the brain science does not actually support those views; it just cannot say anything about that at this time.

Q: What steps did you take to stimulate the cognitive development of your own kids?

A: I let them be. My wife and I have been very careful to let our children pick and choose what they want to do. One kid's a pilot and a computer expert. The other's a tennis player and mathematician and kind of a natural historian. They really have their own intellectual interests—even to the extent that they make fun of mine. I came home one day after I read a book challenging the nurture assumption, and I said, "Well, Jake, I got some really good news today. I'm not responsible for what happens to you down the line." He said, "That's OK, Dad. But when I go to Stockholm to get the Nobel Prize, don't be sitting there saying, 'That's my boy.'"

Marriage Penalty

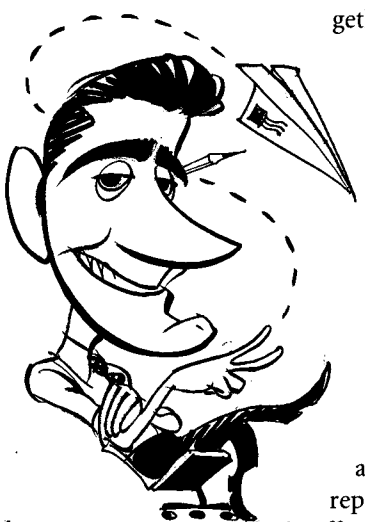
In which our man in Washington learns about conservative sex, Thomas Jefferson's HMO woes, and back-alley bookies

By Michael W. Lynch

Date: 1/21/2000 4:20:37 PM
From: mlynch@reasondc.org
Subj: Marital Bliss

"Nothing in the view of marriage and sexual morality that I am sketching excludes various forms of playful and affectionate foreplay to marital intercourse. Nor does the traditional view have any implications whatsoever for who, if anybody, should be on top of whom in the marital embrace. It carries no brief for the missionary position." So explained Princeton political philosophy professor Robert P. George to a packed house at the American Enterprise Institute.

George was about 30 minutes into his Bradley Lecture, "What's Sex Got to Do with It: Marriage, Morality, and Rationality." It is considered a revealed truth among conservatives that marriage is threatened from many forces, especially gays who want to marry. And gays who don't. Then there's the straights who shack up instead of walking down the aisle. And don't even get them started on married people who want divorces.



Citing an earlier lecture by James Q. Wilson, George explained that it all went bad when individuals, not families, started to choose marital partners. Then came the "tradition-trumping rationalist impulse" of the Enlightenment and pretty soon marriage was a "mere contract," and "sex outside the bond of marriage" was "understood [as] some sort of Constitutional right." A Constitutional right? What country is he from?

George is really bothered by folks who view marriage as "merely an instrumental human good." That is, he's upset with people who look at marriage as a means to an end, the end being something that makes them happy: a family, companionship, a robust sex life. If you agree with David Hume that there are no such things as intrinsic goods, says George, such a view makes sense. But Hume's all wrong, insists the Princeton prof, who prefers Aristotle and St. Thomas Aquinas. If one adopts their philosophy, then marriage turns out to be something else altogether.

Curiously, that something else seems to be mostly about sex. At times George sounded like Larry Flynt under the spell of Eastern mysticism. Marriage, he said, needs to be recognized as "a one-flesh communion of persons that is consummated and actualized by acts that are reproductive in type, if not in effect or even desire to conceive a child." For George, such a "one-flesh communion" is an "intrinsic human good." When it comes to sex, individuals are just "potential parts of a mated pair." "The reproductive act" is accomplished not by individuals, but by a pair, united in "one-flesh unity."

Of course, George maintained, only married folks can merge in such unity, which I gather is why marriage is an end, not just a means to an end, and, conveniently, why only straight people are capable of such "one-flesh unity."

Such talk may make the Princeton coeds come around during office hours, but as George carried on, the mostly male crowd at AEI started to get fidgety, especially when he came down hard on oral sex, even in the context of a marital embrace. "Masturbatory, sodomitical, and other sexual acts which are not reproductive in type, cannot unite persons organically," said George, who obviously has never spent a night marinating in Amsterdam's red-light district.

Date: 1/26/2000 8:39:08 AM
From: mlynch@reasondc.org
Subj: Second Bests

Over at the White House, President Clinton was hosting the U.S. women's soccer team, best known for winning last year's World Cup and then showing off their sports bras. The point was to highlight the inequities women suffer in America's semi-free labor markets and to make a pitch for equal pay. I have no doubt his first choice for the photo op was the women's rugby team from Ohio State University—the gals who famously bared their breasts on the steps of the Lincoln Memorial last November for a fund-raising calendar. But they must have turned the president down. So Bill figured he'd settle for second best and instead invited the sports bra squad to the White House, which I'm sure is lonelier than ever, what with Hillary setting up shop in the Empire State.

After missing the White House event —the press office gave me the wrong time—it was my turn to settle for second best (and a distant second at that). Instead of watching the president ogle America's premier women athletes, I made plans to head to a Chinese restaurant on Capitol Hill to hang with some guys who call themselves the Monday Club. Rep. Charlie Norwood (R–Ga.) was going to explain why

HENRY PAYNE

heaping federal regulations on managed health care companies is a great idea.

He was, in other words, going to talk about the "Patients Bill of Rights." The issue's polling well and Republicans are trying to figure out how to deal with it. The House and Senate passed different bills last session and it's still undecided which version will prevail. My source on the matter tells me that Congress faces two options. They could pass the Senate version, which fails to give Americans the right to sue their HMOs if they are chartered under a federal law known as ERISA. The president will surely veto that one. Or they can pass the House version, which allows lawsuits but also expands Medical Savings Accounts. That one has the support of congressional Democrats, who will get a cut of any fees earned by trial lawyers, in the form of campaign contributions. And Clinton might actually sign it.

These were the issues I expected Norwood, the Republican sponsor of the House bill, would sort out while I chowed down on chow fun. I was again treated to second best: Norwood was sick, so his press secretary John Stone would talk instead.

The Monday Club, as moderator M. Stanton Evans pointed out, is a conservative cabal whose members generally oppose regulation in the name of the market. Stone's task was to convince this crowd that federal managed care reform is not simply a good thing, but a *conservative* thing to do.

So Stone spent a lot of time yakking about Thomas Jefferson. "Jefferson in his old age was mighty disillusioned at Monticello," said Stone, in a warm Southern accent. "He had spent his entire life working for a utopian republic modeled after the typical New England village. Common working people would be economically independent and vested with the political ability to control their own destiny."

But by his old age, Stone said, Jefferson was depressed, and not only because he could no longer keep up with Sally Hemings and all those kids. "Jefferson's foundation for individual liberty had been swept clean" by monied interests, said Stone. "We find ourselves in a similar war today," explained Stone. "Every American is technically free to choose where they live, where they work, where their children go to school, and where and what health care services they prefer. All it takes to access this freedom is money in amounts available to only the privileged few."

Stone connected HMO reform with a popular conservative issue, telling the well-fed audience that they can't argue for school choice out of one side of their mouths while arguing against reforming HMOs out of the other. The same holds true for liberals, he said, insinuating that if we give Teddy Kennedy more control over health care he'll somehow be boxed in on school choice. "We can pin them to the mat on this issue," predicted Stone.

A pinned Teddy Kennedy: not a pleasant image to picture while eating.

A Constitutional right to extramarital sex? What country is this guy from?

Date: 2/2/2000 5:39:41 PM
From: mlynch@reasondc.org
Subj: Bad Bet

At the Russell Senate Office Building, Sens. Sam Brownback (R–Kan.) and Patrick Leahy (D–Vt.) announced legislation to make betting on Olympic, college, high school, and, presumably, Little League sports a federal crime—even if the bet is made legally in Nevada.

Give 'em some credit for nuance: Gambling is not a moral issue, they said, otherwise they would have to oppose it in all its forms. Betting on professional sports, as Brownback summed up, is a "whole other kettle of fish," albeit one with worse odds.

In fact, Brownback and Leahy aren't even against informal (and illegal) gambling on amateur sports—e.g., office pools prompted by March Madness. They're only after legal betting on amateur sports done in Nevada, which they said exists only because of a "loophole" in an earlier federal law. "Illegal bookies are illegal bookies," clarified Leahy helpfully. Even, it seems, when they're legal.

Brownback claimed that betting caused a Northwestern football player to fumble on the one-yard line. (In olden times, simple incompetence accounted for Northwestern turnovers). The senator pointed to a chart that showed how point-shaving scandals have boomed like the stock market: In the 1990s, there were eight such grifts, compared to only one in the 1970s.

Going in, I figured the odds at better than even that one of the senators would invoke "the children" in justifying this plan. I should have doubled down. First Brownback claimed that sports gambling is "gateway behavior for adolescent gambling." Then Leahy waxed nostalgic about how as a parent he would be "sweating bullets" watching his kids compete in high school sports. He never thought the outcome could be affected by someone "sitting in a boiler room," the preferred location, apparently, for junior-varsity betting operations. "We are talking about our kids," implored Leahy.

So what are the chances of this legislation passing? I'm banking on the Nevada delegation getting its way. After all, they know people who know people, if you know what I mean.

Sen. Richard Bryan (D–Nev.) wasn't present at Brownback and Leahy's confab (rumor has it he was checking out the action at a local chess tourney). But he answered Brownback and Leahy's kids talk with an odds-on cliché of his own, darkly warning in a statement that the bill would "push sports betting into the back alleys of America," where bookies would presumably vie with abortionists for office space if any of the Republican presidential candidates actually makes it to the White House.

(LEFT TO RIGHT) EDWARD KENNEDY, GERALDO RIVERA, DAVID BONIOR, AL GORE, JANE FONDA, HILLARY CLINTON, PAUL WELLSTONE, AND JESSE JACKSON

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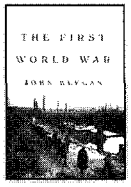

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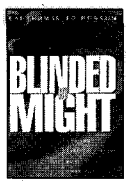

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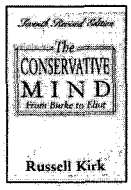

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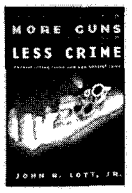

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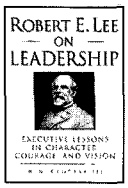

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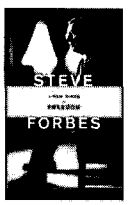

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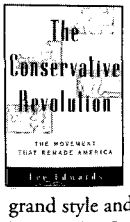

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Upside-Down Since 1964

Thomas W. Hazlett

President Scarface

How Bill Clinton runs the press like Capone ran Chicago

By the time the president's obstruction-of-justice episode concluded last year in a mock-impeachment trial in the U.S. Senate—that made-for-TV drama in which "jurors" declared the man guilty of "high crimes and misdemeanors" but then voted to acquit—Bill Clinton had proven himself bullet-proof. Even when the press asked him about the compelling, specific, and credible rape allegation lodged by Juanita Broaddrick, all he had to do to shut them up was bark like a Mafia don: *Talk to my mouthpiece! I ain't got nuttin' to say to youse!*

Counselor David Kendall's pro forma denial—"Any allegation that the president assaulted Broaddrick more than 20 years ago is absolutely false"—got the job done, even as it opened up multiple windows through which Clinton might easily wriggle, (*Hey, I wasn't even president 20 years ago!*). As *The Washington Post*, obviously exhausted by its minutes-long pondering of the issue of presidential rape, dejectedly concluded, "Mr. Clinton's word in this realm by now has no value." Clinton was an uncooperative witness, see, so the *Post* had to drop the case. *The New York Times* was similarly outraged by "The President's Missing Voice." But rather than fully and vigorously investigating the charges, the *Times* simply fretted that Clinton's reputation as a "recreational philanderer" may actually mask something considerably more sinister. The paper of record must have sent chills down the president's spine: "Surely there is a limit to how long Mr. Clinton can speak through his lawyer on these matters," sternly warned the *Times*.

Now a millennium has passed. The Broaddrick story has simply floated on downstream in the toxic runoff from this most ethical administration in history. Even as a lame duck, William Jefferson Clinton effortlessly assumes the swaggering stride of a mobster, brushing off questions any public servant is morally bound to answer. He runs the press like Capone ran Chicago. "No one will ever know the complete truth about Juanita Broaddrick's allegation," mumbled the *Times*. But of course Bill and Juanita do! That's why investigative journalism to uncover corroborating facts ought to be pursued.

But the Godfather rules this village, flanked by wise guys and hit men on retainer. When Ken Starr popped up as nuisance under Clinton's own special prosecutor law, James "The Ragin' Cajun" Carville took out a contract. Starr, he said publicly, was one mistake away from "two broken knee caps."

Sid "Vicious" Blumenthal spewed presidential lies to journalists on the take. Larry "Hustler" Flynt, a guest at White House functions and a friend of the church-going First Family, gleefully whacked Bob Livingston and Bob Barr. Like a couple of Mafia molls, Cabinet Secretaries Donna Shalala and Madeleine Albright ostentatiously vouched for the Big Fish. And then there's the bottom-feeding administration bag man, Al "No Controlling Legal Authority" Gore, who never missed a chance to finger his capo as "da greatest I eva' seen."

The sad reality—and happy fact—is that America operates pretty well without great leaders. The top slots in our national government are close to modular, and even mobsters plug in smoothly.

A gutter-based attack on all the dirty rotten squealers saved Bill's operation. Pressed to account for their deceits, mendacities, and cattle-future profits, the First Couple demonized their critics while rallying their henchmen. They pinched the press between its journalistic ethics and its career goals. To question the Godfather was to side with that "vast right-wing conspiracy," and that was an offer the press was all too ready to refuse.

Like a crime boss who blossoms into a local hero, the president has cultivated a sensational market niche: John Gotti as commander-in-chief. No one respects him as a man. Even his defenders in Congress concede he "lied," "debased his office," and "abused the public trust." Yet he has achieved notorious celebrity. He's audacious and flashy, and the rising Nasdaq is giving jobs to all the neighborhood kids.

The economy is Clinton's *consigliere*. It deftly fixes the little messes and makes everybody happy. Hush money makes up for a few broken knee caps, *capisce?*

The sad reality—and happy fact—is that America operates pretty well without great leaders. The top slots in our national government are close to modular, and even mobsters plug in smoothly. The Invisible Hand, not the Black Hand, springs for drinks all around, and a half-convincing argument can be made that having Carmine and Guido hanging around the Oval Office is actually healthy for the private sector. After all, when the president has certain, shall we say, image problems, he needs the help of his *consigliere* all the more. No need getting crazy with a new national health care plan during impeachment week.

Lowlifes and sleazeballs in high public places good for business? Sure. It's just a little annoying having to explain to the youngsters why con men and hustlers live in such nice White Houses. Next time they ask, tell 'em: "Fuggitaboutit kid." ◆

Contributing Editor Thomas W. Hazlett (hazlett@primal.ucdavis.edu) is a resident scholar at the American Enterprise Institute and a professor of economics at University of California at Davis.

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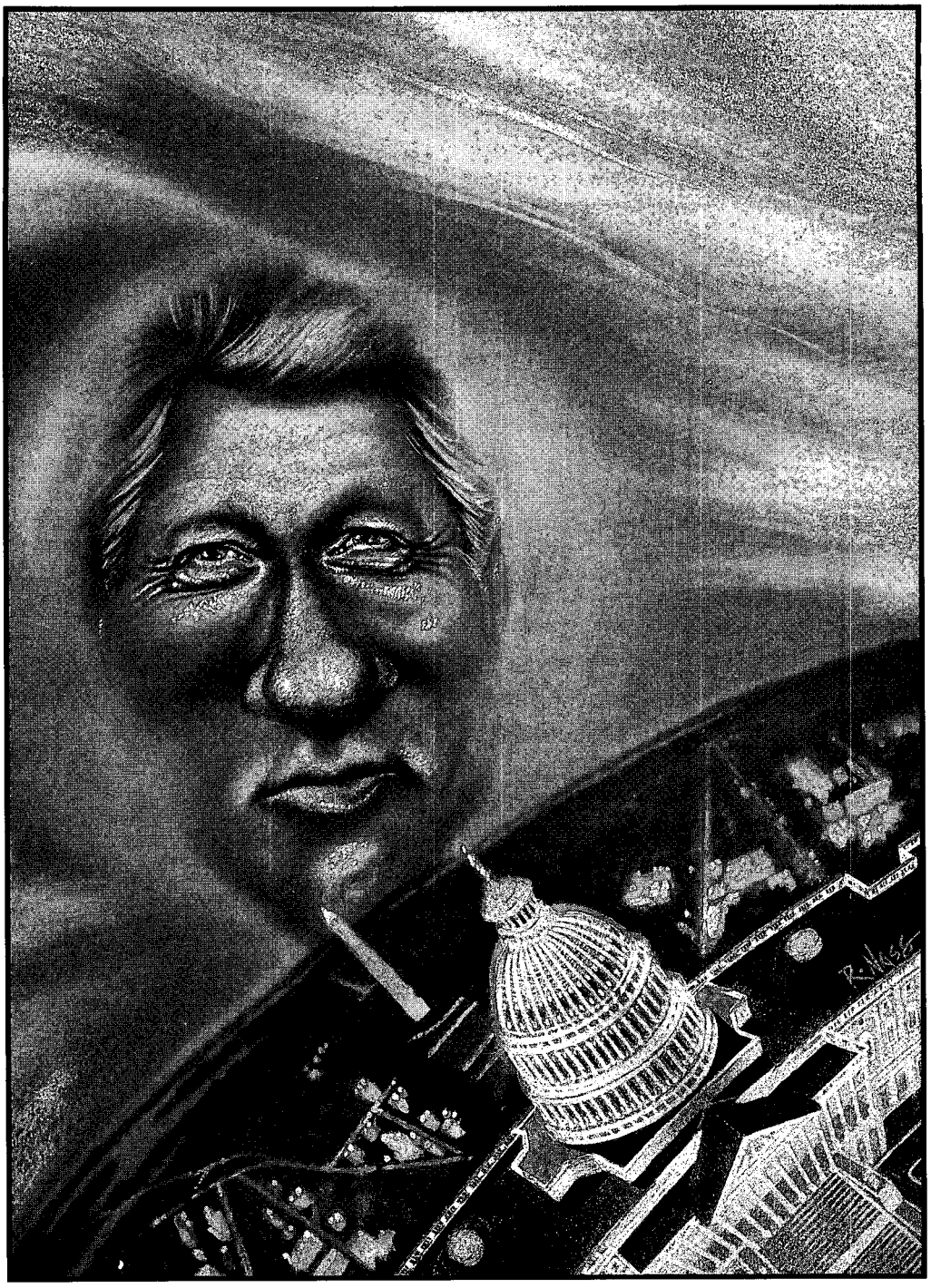


RICK NASS

ETS of the Clinton Spectacle

A FIVE-STEP PROGRAM FOR SURVIVING END-LESS SCANDAL

By Charles Paul Freund

A few days before Bill Clinton delivered his final, rhetorically triumphant State of the Union message in the very same chamber where, a year earlier, he had become the first elected president ever to be impeached, *The New York Times* editorially stroked its beard in contemplation of the country's seven fat Clinton years. Among other things, it noted sagely that, "Historians are beginning to categorize Mr. Clinton as a politician of splendid natural talent and some significant accomplishments, who nonetheless missed the greatness that once seemed within his grasp."

"Missed Greatness" may not quite catch the spirit of this fading administration; perhaps a category like "Unrelenting Mendacity" will prove a better historical fit. But historians will do their Clinton-sifting on their own deliberate clock. What interests us now is that, as Clinton swaggers into his homestretch lap, he is standing at all.

How is it, given his record in office, that Clinton is accepted by anyone on his own terms? Clinton has behind him a nearly uninterrupted record of scandal, recklessness, and lies. There remain numerous unresolved issues of profound significance, among them matters of influence peddling, technology transfer affecting national security, and the repeated use of the military as a distraction. He has been caught so often in self-serving falsehood that Clinton-parsing is a familiar capital pastime, and almost nobody takes him at his word without first diagramming his clauses.

Yet, in his final State of the Union, he could still draw an audience of some 35 million viewers, deliver an energetic harangue that made Castro-like rhetorical demands, presume to lay out an agenda that would take another century to complete, and be treated with celebratory regard. Not only were Clinton's emotic skills praised, but Vice President Al Gore, seated behind the president and just out of the TV camera's frame, repeatedly leaned over so as to appear in the picture with Clinton, in the apparent belief that the visual association would benefit Gore's own political ambitions.

One might think that, rather than having his skills applauded and his purported near-miss with greatness lamented, a president with Clinton's record would be treated with palpable contempt.

by all observers is that Clinton greatly benefited from the booming economy, and that seems indisputable. Bad economies have injured many of Clinton's predecessors. Had he been plagued with high unemployment and inflation, these would have resonated with his other problems.

Yet one can overstate this factor as well. Clinton never actually won a majority of votes in either of his presidential campaigns, despite a roaring economy and an incompetent campaign by Bob Dole in 1996. The majority of voters who opted against Clinton's reelection weren't necessarily ready to give him an automatic pass on his problems so as not to rock the financial boat. He had to work hard to survive his various scandals. The question remains: What did Clinton do?

One might think that, rather than having his skills applauded and his purported near-miss with greatness lamented, a president with Clinton's record would be treated with palpable contempt. So why isn't he?

The most interesting political question at the end of the long Clinton day is, why isn't he?

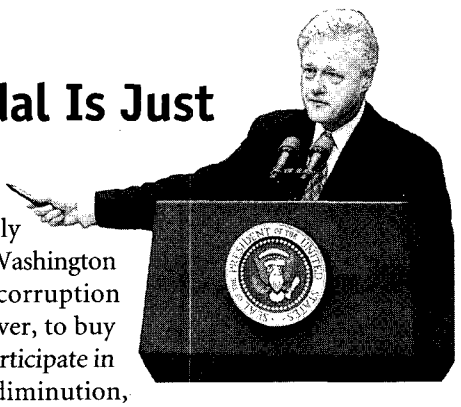
A common explanation from many frustrated conservative critics is that Clinton has been let off the hook by a "liberal" Washington press corps. But while one can argue with many aspects of the mainstream media coverage of the Clinton presidency, a demon "liberal press" has hardly let him off easy. Most of the credible damaging information about the Clinton years was developed by mainstream reporters. The reporter whom the Clintons are reputed to "fear" most is Jeff Gerth of *The New York Times*. The story that did the most damage to the administration—the Lewinsky matter—was developed by Michael Isikoff of *Newsweek*. The paper that actually broke that scandal, and that put the Broaddrick story on its front page, was *The Washington Post*. Even the most definitive account of the apparently unjustified (but self-serving) bombing of the Sudanese pharmaceuticals factory appeared in, of all places, *The New Yorker*, otherwise noted for its bona fide pro-Clinton slant. TV reporters likewise broke many stories damaging to Clinton, and the all-news cable services have been happy to devote their 24–7 schedules to his juicier problems.

Washington reporter Steve Roberts recently asserted that the people in the capital who most distrust the Washington press are probably not the city's conservatives but rather Bill and Hillary Clinton, and he may be right. Much of the capital's press corps has been busy these past seven years writing and taping negative accounts of the administration. The gaggle of investigations that have plagued the Clintons all had their origins in mainstream journalism. The Washington press, in fact, came within a hair of driving him from office.

So how did he do it? How did he keep rising from the mat to revel in high public opinion numbers? An explanation offered

The answer is deceptively simple: Clinton ignored traditional Washington wisdom for dealing with exploding scandal and instead used the capital's notorious scandal machine against itself. Scandal is unlikely ever to be the same. Bill Clinton's long-sought Legacy turns out to be a guide on how to rise from the dead. Here are its five essentials:

1. A Scandal Is Just a Story



Scandal has generally been understood in Washington as the discovery of corruption and illegality. However, to buy into this view is to participate in your own political diminution, perhaps even your destruction. By conceding that something bad has been discovered, and by reacting according to time-honored Washington wisdom, you risk putting yourself on the defensive. That cedes the high ground to a frequently voracious press, which will gorge itself on tips from your enemies and even your loose-lipped associates, and force you to deal with an ever-increasing number of embarrassing revelations. Enough such revelations and you will find yourself the target of a "feeding frenzy." Indeed, you may risk finding yourself in Washington's lowest rung of hell: public opinion "free fall."

Whatever the terms of the Clinton administration's own view of its scandal strategy, it has taught the rest of us to think about scandal in an entirely novel way: The important thing about a

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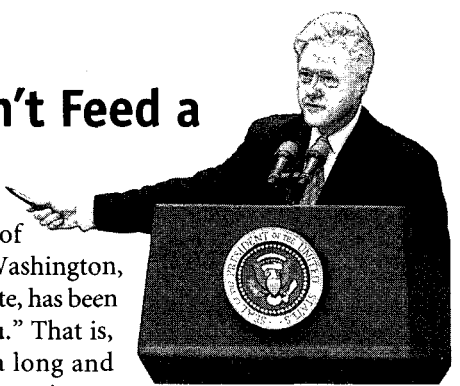
scandal is not that something untoward may have been discovered. It is not the *fact* of impropriety; it is that a scandal is the telling of a story. The difference is crucial: Stories are subject to control. They can be shut down by starving them of new information. They can be recast by working to change their elements and re-characterize their participants. If all else fails, they can be overshadowed by other stories, especially military ones.

This is not mere spin, though of course under Clinton, the White House has been revolving on its press-office axis at ever-greater RPMs. To spin a story is to attempt to give it the most advantageous interpretation possible, but it is also to acknowledge that story's essential legitimacy. Such classic administration lines as, "That story came out years ago," or "The American people knew what they were getting when they voted for Bill Clinton," are classic Clintonesque spin.

Clinton's news-management apparatus has moved beyond spin, into territory first explored by the public-relations-minded Reagan White House: It has subsumed the presidency in a narrative of its own creation and worked diligently to delegitimize any story that has run counter to that narrative.



2. You Don't Feed a Bad Story

The foremost piece of scandal wisdom in Washington, at least since Watergate, has been to "get it behind you." That is, you must forestall a long and damaging series of negative stories that will distract and weaken you. To do so, you must concede that damaging reports about your administration's actions may contain at least some truth, and that your associates or appointees may have behaved improperly in some matter (though without your knowledge, and no doubt for mitigating reasons). Rather than attempt a futile cover-up, you must move quickly to make available whatever pertinent documents you have collected and announce an internal investigation. Eventually you fire somebody, though with regret at having to lose a dedicated public servant, and announce that the matter is closed. Then, you "move on."

The Clinton strategy has been exactly the opposite of this. You "move on" first and disclose later (and only then if you have to as a point of law). Clinton has stonewalled everything. He has admitted nothing (except in the most dire extremes), released no information in a timely manner, and investigated nothing. The case of the FBI files remains a classic example.

At least 900 raw FBI files containing personal information managed to find their way into the White House during the first Clinton term, in contravention of privacy law and basic decency. How did this happen? Clinton's prevailing and entirely useless statement on the matter is that it was a "bureaucratic snafu." Who was responsible for it, and why? The White House has shown no interest in answering that question, though it did suggest, without offering any evidence, that it was the fault of the Secret Service. One Secret Service employee has termed that an impossibility, and there the matter rests.

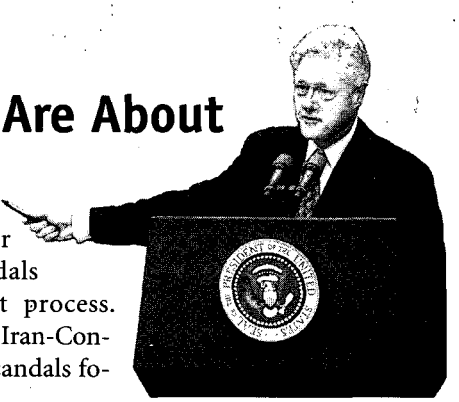
In the meantime, Craig Livingston, a former bar bouncer who sometimes harassed George Bush on the campaign trail by dressing up in a chicken suit, disappeared from his job handling White House security. Who hired him and to whom did he answer? Who knows? What was the sequence of events that brought hundreds of raw FBI files into the White House? Who knows? To what use were they put? Who knows?

The Clinton calculation has been that it is better to have many unresolved and unproven suspicions hanging over the White House than to admit to a single impropriety. His taped remarks to Gennifer Flowers, made when he was Arkansas governor, "If they haven't got pictures, they can't prove anything," are a reasonable abstract of his governing philosophy.

Among the most tantalizing mysteries of the Clinton years is the lengths to which the president may have gone in order to shut a story down. What was the nature of the lucrative "consulting" contracts awarded to Webster Hubbell by the Lippo Group and others? If this was more than hush money, then what kind of consulting work did Hubbell do? Kenneth Starr was reportedly investigating these contracts, but we still don't know anything about them. And what about the appalling suggestions that a private-eye "goon squad" was actively intimidating women who may have had damaging information about Clinton? Kathleen Willey, for example, reported numerous incidents of intimidation, some since confirmed. If such a goon squad was indeed actively threatening women, then Clinton's presidency will have missed "greatness" by a considerable distance.

At any rate, Clinton has admitted to nothing (except, in the case of Hubbell's Lippo contracts, reading about them in the press). Admission would validate discovery, potentially leading to more troublesome stories. Clinton would risk losing control. Leave a story unresolved, refuse to feed it, and the chances are pretty good that it will become yesterday's news, especially if you are the president, and have the power to shape front pages by creating counter-news of your own.

Clinton certainly didn't win every such bet. He lost control of the Paula Jones story, which led eventually to the Lewinsky scandal, which wasted his second term and the whole country's and the whole world's time. Clinton did eventually gain control of the impeachment melodrama that emerged from his Jones/Lewinsky problems, and since the whole point of his presidency had by then become survival, he won that bet, too.



3. Stories Are About People

Until Clinton, major White House scandals were usually about process. News coverage of the Iran-Contra and Watergate scandals fo-

cused on alleged violations of the law. Only eventually did the characters and motives of participants—especially White House participants—become part of the larger narrative. For example, the detail that John Erlichmann was a mean son of a bitch emerged relatively late in the Watergate story, once the story was already full-blown. What mattered as the scandals took their original shape were not the characters of Erlichmann or John Dean or Oliver North; it was what they did.

That has hardly been the case under Clinton. This White House has responded to every major problem by introducing the character of its critics or opponents—and even its own victims—at the first opportunity, impugning those characters, and questioning motives. To the degree that it could, using allies in Congress and the press or acting directly, it has turned scandal narratives into character melodramas.

The major example of this reflex was the regular slandering of Kenneth Starr as a sex-obsessed maniac. But Starr had plenty of company; Clinton and his allies have tried to smear everybody whom they perceive as a threat. Gennifer Flowers was characterized as a gold-digging slut. Monica Lewinsky was characterized as a nutty stalker. Billy Dale of the White House Travel Office was falsely characterized as personally dishonest. Linda Tripp, thanks to a *New Yorker* story, was falsely characterized as a felon. Kathleen Willey was characterized as a delusional liar. Paula Jones was infamously characterized as trailer-park trash. UN weapons inspector Scott Ritter, who questioned the administration's resolve to rid Iraq of weapons of mass destruction, was characterized as a petty man jealous of his superiors' limousine perks. House Republicans were characterized as sexual McCarthyites attempting a political coup. Of course, the entire community of Clinton critics was notoriously characterized by Hillary Rodham Clinton herself as "a vast right-wing conspiracy."

This is actually the centerpiece of the Clinton strategy of clogging Washington's scandal machinery: Blunt every threatening story by infusing it with self-serving elements that subsequent press coverage will necessarily include. Hillary's accusation of conspiracy, made in the course of an NBC "interview" conducted by a supine Matt Lauer, was both desperate and ludicrous, and it is likely that almost everyone in the press (and in the White House, too) saw it in just those terms. Yet in the wake of Hillary's NBC appearance, most news-related talk shows devoted at least some time to absurd exchanges around the topic, "Is there a vast right-wing conspiracy?" At a minimum, Hillary's statement bought time; at best, it introduced an explanation for her husband's problems, one consistent with the rest of the Clinton scandal narrative: That he is the innocent victim, year in and year out, of dreadful people with evil motives and low characters.

4. War Is the Biggest Story

Twice in 1998, Bill Clinton deployed the military force of the United States at moments when the scandal stories threatening him were reaching their most dangerous stages. The evening before Monica Lewinsky was to appear before the grand jury, Clinton struck at targets in Sudan and Afghanistan in purported revenge for the bombing of American embassies earlier that summer. In December, on the evening before the House vote on impeachment, Clinton suddenly launched an attack on Iraq, claiming the necessity of acting in advance of a fast-approaching Ramadan.

Only Clinton's core cultists still believe that either of these acts were anything but distractions from the scandals then dominating the news. It quickly became apparent that the target in Sudan was nothing more than a pharmaceuticals factory. Indeed, the administration has made no credible effort to persuade anyone of its original claims that the factory was secretly engaged in the production of terrorist weaponry. As for the claims that Clinton's hand was forced in Iraq by his tender concerns for Muslim religious sensibilities, it is doubtful that anyone ever bought into such a transparently nonsensical story. Clinton's bombing raids actually continued into Ramadan.

The lesson of the Clinton example is that Nixon should have bombed somebody during Watergate. It would have bought him some time. Military actions have such a powerful dynamic of their own that they can overwhelm their political context.

In any case, Clinton got what he seems to have wanted from launching these strikes: the interruption of a bad story at a crucial moment, a change of subject, even, in the case of the Iraq strike, throwing the House Republicans on the defensive. House Democrats, suddenly suffused with jingoistic fervor, were able to pummel them for pursuing a political agenda while American soldiers were in harm's way.

The use of the military for personal reasons would appear to be an extremely dangerous gambit. Richard Nixon flirted with it during Watergate, and it only made matters worse for him.

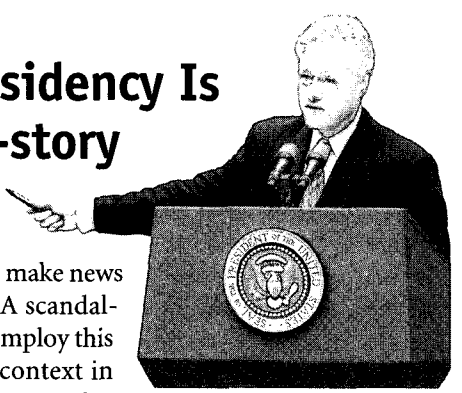
When Nixon suddenly placed the military on alert in 1974, his action was immediately recognized for what it was: an attempt to distract attention from the riveting televised hearings by cooking up a military crisis. The alert was soon cancelled, but Nixon's willingness to employ the military as a political dodge was perceived as a sign of the depths to which he was willing to sink in his desperation.

The lesson of the Clinton example is that Nixon should have bombed somebody. While it probably wouldn't have saved his presidency, it would have bought him some time. Military actions have such a powerful dynamic of their own that they can overwhelm their political context. Coverage of ongoing military action has tended to be highly sympathetic to the Pentagon, and thus to the White House, especially since the military learned its Vietnam lesson and started shaping coverage (most spectacularly in the case of the Gulf War).

Anyway, Clinton had nothing to lose by attacking pariah targets like Sudan, Afghanistan, and Iraq. Domestic criticism was hardly an issue, since Clinton's presidency itself was already at stake. And as for a full investigation of the circumstances of the attacks, that wasn't going to happen no matter how things turned out. If Clinton was forced from office, Congress would give President Gore a honeymoon. If Clinton beat the rap, Congress would slink away. Of course, what happened is that battered Republicans emerged from the impeachment struggle anxious to talk about their "positive agenda," not about Sudan.

That was not the end of Clinton's war narratives. After enacting a public spectacle of contrition for his "one mistake" of lying about Lewinsky, Clinton went on to lead a NATO war over Kosovo, a war justified by suggestions of Serbian genocide against Muslim Kosovars. In its wake, Clinton enunciated a "Clinton Doctrine": the use of the military to save innocent persons from slaughter. Yet, when winter came to the Balkans last year, the search for the victims of genocide in Kosovo had turned up far fewer victims than have died as a result of the administration's sanctions policy against Iraq. Defenders of the Clinton Doctrine claim that many more Kosovar bodies await discovery. We're waiting for the Balkan thaw.

5. The Presidency Is a Counter-story



Presidents command so much attention that they can make news anytime they want. A scandal-savvy president can employ this power to affect the context in which negative stories are taking shape. He can create counter-stories virtually at will, including major stories that can drive negative scandal coverage below the front-page fold, at least temporarily. He can also use the news-making power of his office to reposition himself advantageously in relation to threatening scandal stories.

Bill Clinton has chosen to make news of some sort almost every day. If he is not announcing initiatives on children's car seats or teenage smoking or some similar subject that other presidents have left to their under-assistant undersecretaries, then he is announcing the sudden deployment of the military. The little daily feel-good initiatives have served him well during his ceaseless hours of scandal, since they have provided him at least some positive coverage even on many of his worst days. As we have seen, the occasional and timely assumption of the mighty role of commander-in-chief has been his ace in the hole.

Bill Clinton's presidency is actually the sum of these counter-stories. It has been a success, in the public-relations terms that are vital to him, when it has been a reactive presidency. That is, to enjoy popularity and the impression of success, Clinton has required a foil, which is a more direct way of characterizing the notorious strategy of "triangulation" (or multiple foils) that his one-time adviser Dick Morris devised.

In his early years in the White House, Clinton lacked such a foil, and his administration floundered. He was widely mocked in the pundit press as not "grown up," and capital satirists joked about a minor-league presidency that needed to be sent down to Albuquerque for seasoning. His policy initiatives failed, his double-dealing on legislation alienated even Hill Democrats, his attempts at "nation-building" in Somalia were a complete disaster, his White House was characterized as a frat house in chaos, he was seen as having neither knowledge of nor interest in foreign affairs. In his second State of the Union message, his staff managed to load the wrong speech on the TelePrompTer. Nothing went right. Indeed, he bored people. When he appeared on TV for some presidential purpose, people in public places—airports, for example—were reported to ignore him entirely.

In the wake of the 1994 midterm elections, in which Republicans gained full control of Congress, Clinton was described not as a politician of splendid natural talents but as "irrelevant." In fact, it was the beginning of Clinton's golden age. He had gotten his foil: Newt Gingrich and the Republican majority. The presidential character he was to assemble from that point forward was both opportunistic and, to a degree unique among the nation's chief executives, oppositional.

Clinton's assumed public role as the enemy of the Republican Congress was to give him access to a well of moral authority that he did not previously enjoy. Before 1994, it is doubtful that any of Clinton's constituencies trusted him, and for good reason: He had, at various times, ambushed most of them. He quickly caved on his original position regarding gays in the military, instead opting for a "don't ask, don't tell" policy. He had abruptly dropped his nomination of Lani Guinier to handle civil rights in the Justice Department. He had invited himself to a Jesse Jackson rally for the sole purpose of attacking rap singer Sister Souljah and ingratiating himself with white voters. He had dismissed the organized women's lobby as "bean counters."

After 1994, Clinton repositioned himself as the ultimate protector of the interests of these groups. (He has always been the president of the Republic of Children.) The result was that the leaders of such groups, especially the women's lobby, were to risk—if not squander—their moral authority by lending it

to Clinton (and his wife). Feminist groups have been far more interested in whether the Vienna Philharmonic has enough female violinists than in whether Bill Clinton may have systematically intimidated women, much less raped anyone.

Having co-opted such moral authority (while simultaneously allying himself with the likes of pornographer Larry Flynt), Clinton was able to turn his most threatening scandal into a confrontation with a Congress that he positioned as morally hypocritical. Because Clinton's presidential persona emerges from a strategy of opposition, he actually thrived on those scandals that he was unable to shut down.

The Method President

It's one thing to treat the presidency and the challenges to it as if they were competing story lines. It is another to create a convincing presidential counter-story. But it is particularly remarkable to be able to create the necessary and, in Clinton's case, conflicting illusions of character involved, and to sustain them over a period of years. In fact, it is more than remarkable; it is disquieting.

Clinton's central performance technique involves the creation of audience empathy. He tries to make you feel his pain. He has frequently succeeded by casting himself as the victim of others, as well as by translating his presidential decisions into emotional terms. Even his version of the bombing of the Sudanese factory, which is centered on his desire to spare the night watchman, is empathetic.

That he has engaged in non-stop performance is manifest from his occasional stumbles. The notorious imaginary tear at Ron Brown's funeral is one such case. Another is his podium-pounding denial of any sexual relationship with Lewinsky. A particularly interesting example occurred early in the Lewinsky scandal, when he was asked by Wolf Blitzer of CNN during a rare press conference if he didn't have some message to send to Monica Lewinsky. It was probably the most artful question Clinton has ever been asked. Clinton was at that time denying that there had ever been an "improper" relationship; indeed, there were suggestions in the press that she might be crazy. But he also needed to leave the nature of their claimed relationship ambiguous, so that he could react to whatever information eventually became public. Blitzer, by asking him to apostrophize to Lewinsky in front of everyone, was asking him to commit to some version of their relationship. Clinton's response was extraordinary. "That's good," he said with a smile, acknowledging both the nature of the game that he was playing with the press and the public, and that, for the moment, he had been trapped. He refused to comment further.

Clinton's most successful performance of victimhood draped in the rhetoric of empathy saved his presidency. The opportunity was handed to him by House Republicans with a far less sophisticated sense of public spectacle than Clinton's. Indeed, Clinton appears to have recognized the chance for the turning point that it would become. It was the televising of his four-hour appearance before the grand jury.

In the days before his deposition was made public, Clinton's presidency was disintegrating. Many people thought that the grand jury tape, which reportedly displayed the president enraged and out of control, might finish him. Clinton, however, made no protest about showing the tape. He quietly acknowledged that he had no say in its disposition. He and his attack-dog aides seemed resigned to his apparent and imminent destruction. Whether or not his aides spread false stories about the tape's content to influence audience reaction is not known, though the reports of the tape's content were in fact misleading. Far from displaying the president out of control, the tape is Clinton's performance masterpiece, his "Checkers" speech. It embodies his entire performance strategy of victimhood, invited empathy, and the enactment of sincerity.

Clinton knew going into the deposition that it would be taped; he had reason to expect that the tape might well be made public. Although Clinton says outrageous things during the interrogation—his infamous definition of "is," for example—it is the performance that mattered.

Far from displaying the president out of control, the videotape of his grand jury deposition is Clinton's performance masterpiece, his "Checkers" speech. It embodies his entire "counter-story" strategy for survival.

For hours, he is grilled by a series of off-camera prosecutors who delve ever deeper into his sexual intimacies. Clinton, meanwhile, bears it all with the demeanor of a calm, patient Everyman. Though the judicial intent of the questioning was to demonstrate that Clinton had lied under oath, the dramatic effect was one of violation. Many viewers identified with Clinton and recoiled. The post-tape onus was on Clinton's inquisitors. Though the House was to impeach Clinton anyway, the growing mantra from that point forward was "move on."

And move on the president has, in a neverending search for his place in History. Somebody should tell him that a special place has been reserved just for him.

Charles Paul Freund (cpf@reason.com) is a REASON *senior editor.*

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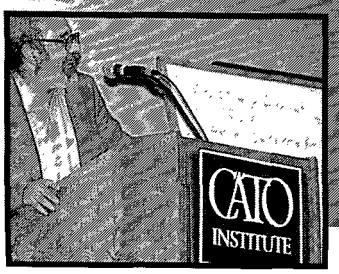

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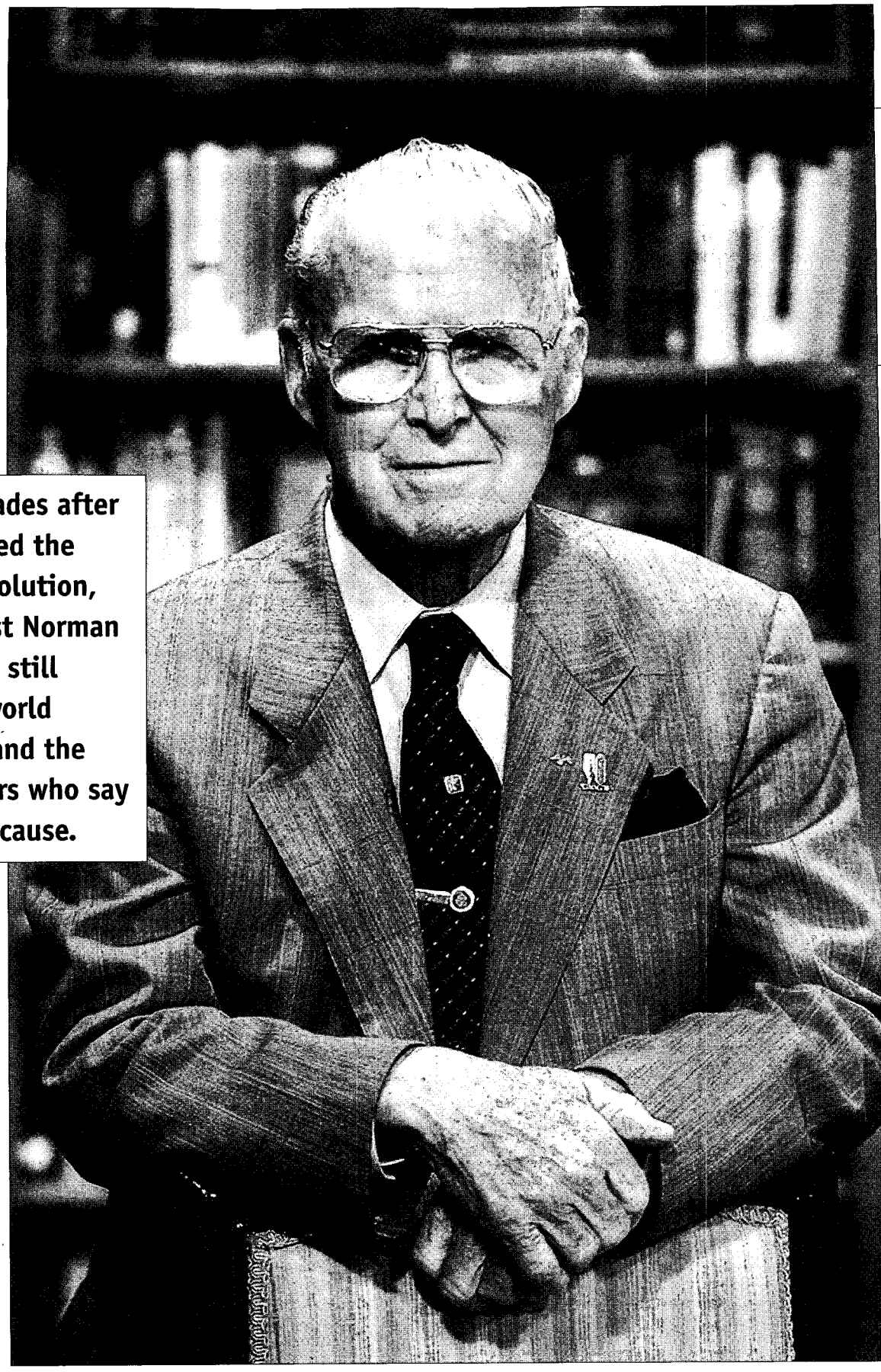
Three decades after he launched the Green Revolution, agronomist Norman Borlaug is still fighting world hunger—and the doomsayers who say it's a lost cause.



PHOTOS: BILL MEEKS

Billions Served

Who has saved more human lives

than anyone else in history? Who won the Nobel Peace Prize in 1970? Who still teaches at Texas A&M at the age of 86? The answer is Norman Borlaug.

Who? Norman Borlaug, the father of the "Green Revolution," the dramatic improvement in agricultural productivity that swept the globe in the 1960s.

Borlaug grew up on a small farm in Iowa and graduated from the University of Minnesota, where he studied forestry and plant pathology, in the 1930s. In 1944, the Rockefeller Foundation invited him to work on a project to boost wheat production in Mexico. At the time Mexico was importing a good share of its grain. Borlaug and his staff in Mexico spent nearly 20 years breeding the high-yield dwarf wheat that sparked the Green Revolution, the transformation that forestalled the mass starvation predicted by neo-Malthusians.

In the late 1960s, most experts were speaking of imminent global famines in which billions would perish. "The battle to feed all of humanity is over," biologist Paul Ehrlich famously wrote in his 1968 bestseller *The Population Bomb*. "In the 1970s and 1980s hundreds of millions of people will starve to death in spite of any crash programs embarked upon now." Ehrlich also said, "I have yet to meet anyone familiar with the situation who thinks India will be self-sufficient in food

Interviewed by Ronald Bailey

by 1971." He insisted that "India couldn't possibly feed two hundred million more people by 1980."

But Borlaug and his team were already engaged in the kind of crash program that Ehrlich declared wouldn't work. Their dwarf wheat varieties resisted a wide spectrum of plant pests and diseases and produced two to three times more grain than the traditional varieties. In 1965, they had begun a massive campaign to ship the miracle wheat to Pakistan and India and teach local farmers how to cultivate it properly. By 1968, when Ehrlich's book appeared, the U.S. Agency for International Development had already hailed Borlaug's achievement as a "Green Revolution."

In Pakistan, wheat yields rose from 4.6 million tons in 1965 to 8.4 million in 1970. In India, they rose from 12.3 million tons to 20 million. And the yields continue to increase. Last year, India harvested a record 73.5 million tons of wheat, up 11.5 percent from 1998. Since Ehrlich's dire predictions in 1968, India's population has more than doubled, its wheat production has more than tripled, and its economy has grown nine-fold. Soon after Borlaug's success with wheat, his colleagues at the Consultative Group on International Agricultural Research developed high-yield rice varieties that quickly spread the Green Revolution through most of Asia.

Contrary to Ehrlich's bold pronouncements, hundreds of millions didn't die in massive famines. India fed far more than 200 million more people, and it was close enough to self-sufficiency in food production by 1971 that Ehrlich discreetly omitted his prediction about that from later editions of *The Population Bomb*. The last four decades have seen a "progress explosion" that has handily outmatched any "population explosion."

Borlaug, who unfortunately is far less well-known than doomsayer Ehrlich, is responsible for much of the progress humanity has made against hunger. Despite occasional local famines caused by armed conflicts or political mischief, food is more abundant and cheaper today than ever before in history, due in large part to the work of Borlaug and his colleagues.

More than 30 years ago, Borlaug wrote, "One of the greatest threats to mankind today is that the world may be choked by an explosively pervading but well camouflaged bureaucracy." As REASON's interview with him shows, he still believes that environmental activists and their allies in international agencies are a threat to progress on global food security. Barring such interference, he is confident that agricultural research, including biotechnology, will be able to boost crop production to meet the demand for food in a world of 8 billion or so, the projected population in 2025.

Meanwhile, media darlings like Worldwatch Institute founder Lester Brown keep up their drumbeat of doom. In 1981 Brown declared, "The period of global food security is over." In 1994, he wrote, "The world's farmers can no longer be counted on to feed the projected additions to our numbers." And as recently as 1997 he warned, "Food scarcity will be the defining issue of the new era now unfolding, much as ideological conflict was the defining issue of the historical era that recently ended."

Borlaug, by contrast, does not just wring his hands. He still works to get modern agricultural technology into the hands of hungry farmers in the developing world. Today, he is a consultant to the International Maize and Wheat Center in Mexico and president of the Sasakawa Africa Association, a private Japanese foundation working to spread the Green Revolution to sub-Saharan Africa.

REASON Science Correspondent Ronald Bailey met with Borlaug at Texas A&M, where he is Distinguished Professor in the Soil and Crop Sciences Department and still teaches classes on occasion. Despite his achievements, Borlaug is a modest man who works out of a small windowless office in the university's agricultural complex. A few weeks before the interview, Texas A&M honored Borlaug by naming its new agricultural biotechnology center after him. "We have to have this new technology if we are to meet the growing food needs for the next 25 years," Borlaug declared at the dedication ceremony. If the naysayers do manage to stop agricultural biotech, he fears, they may finally bring on the famines they have been predicting for so long.

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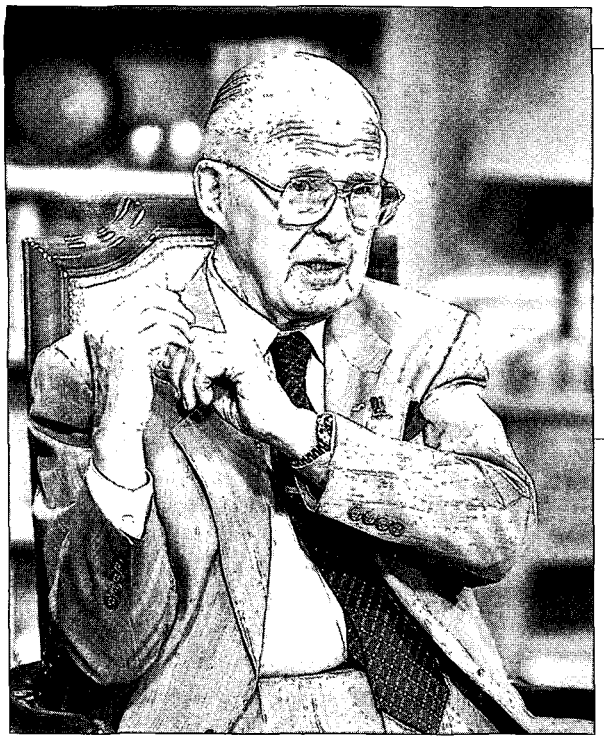


“Our elites live in big cities and are far removed from the fields. Whether it's the head of the Sierra Club or the head of Greenpeace, they've never been hungry.”

Reason: What are you currently working on?

Norman Borlaug: Since 1984, I've been involved in the Sasakawa Africa Association. Our program has devised the best package of farming practices we could with the best seed available, the best agronomic practices, the best rates and dates of seeding, the best controls for weeds and insects and diseases, and put them into test plots in 14 countries. We have found that there is a large food production potential in these African countries which are now struggling with food shortages. The package of practices that we have devised uses modest levels of inputs so the cost is not particularly high compared to their traditional ways of farming. The yields are at the worst double, nearly always triple, and sometimes quadruple what the traditional practices are producing. African farmers are very enthusiastic about these new methods.

Reason: Could genetically engineered crops help farmers in developing countries?

Borlaug: Biotech has a big potential in Africa, not immediately, but down the road. Five to eight years from now, parts of it will play a role there. Take the case of maize with the gene that controls the tolerance level for the weed killer Roundup. Roundup kills all the weeds, but it's short-lived, so it doesn't have any residual effect, and from that standpoint it's safe for people and the environment. The gene for herbicide tolerance is built into the crop variety, so that when a farmer sprays he kills only weeds but not the crops. Roundup Ready soybeans and corn are being very widely used in the U.S. and Argentina. At this stage, we haven't used varieties with the tolerance for Roundup or any other weed killer [in Africa], but it will have a role to play.

Roundup Ready crops could be used in zero-tillage cultivation in African countries. In zero tillage, you leave the straw, the rice, the wheat if it's at high elevation, or most of the corn stock, remove only what's needed for animal feed, and plant directly [without plowing], because this will cut down erosion. Central African farmers don't have any animal power, because sleeping sickness kills all the animals—cattle, the horses, the burros and the mules. So draft animals don't exist, and farming is all by hand and the hand tools are hoes and machetes. Such hand tools are not very effective against the aggressive tropical grasses that typically invade farm fields. Some of those grasses have sharp spines on them, and they're not very edible. They invade the cornfields, and it gets so bad that farmers must abandon the fields for a while, move on, and clear some more forest. That's the way it's been going on for centuries, slash-and-burn farming. But with this kind of weed killer, Roundup, you can clear the fields of these invasive grasses and plant directly if you have the herbicide-tolerance gene in the crop plants.

Reason: What other problems do you see in Africa?

Borlaug: Supplying food to sub-Saharan African countries is made very complex because of a lack of infrastructure. For example, you bring fertilizer into a country like Ethiopia, and the cost of transporting the fertilizer up the mountain a few hundred miles to Addis Ababa doubles its cost. All through sub-Saharan Africa, the lack of roads is one of the biggest obstacles to development—and not just from the standpoint of moving agricultural inputs in and moving increased grain production to the cities. That's part of it, but I think roads also have great indirect value. If a road is built going across tribal groups and some beat-up old bus starts moving, in seven or eight years you'll hear people say, "You know, that tribe over there, they aren't so different from us after all, are they?"

And once there's a road and some vehicles moving along it, then you can build schools near a road. You go into the bush and you can get parents to build a school from local materials, but you can't get a teacher to come in because she or he will say, "Look, I spent six,

"Modern agriculture saves a lot of land for nature, for wildlife habitat, for flood control, for erosion control, for forest production. Those are values that are important to society."

eight years preparing myself to be a teacher. Now you want me to go back there in the bush? I won't be able to come out and see my family or friends for eight, nine months. No, I'm not going." The lack of roads in Africa greatly hinders agriculture, education, and development.

Reason: Environmental activists often oppose road building. They say such roads will lead to the destruction of the rain forests or other wildernesses. What would you say to them?

Borlaug: These extremists who are living in great affluence...are saying that poor people shouldn't have roads. I would like to see them not just go out in the bush backpacking for a week but be forced to spend the rest of their lives out there and have their children raised out there. Let's see whether they'd have the same point of view then.

I should point out that I was originally trained as a forester. I worked for the U.S. Forest Service, and during one of my assignments I was reputed to be the most isolated member of the Forest Service, back in the middle fork of the Salmon River, the biggest primitive area in the southern 48 states. I like the back country, wildlife and all of that, but it's wrong to force poor people to live that way.

Reason: Does the European ban on biotechnology encourage elites in developing countries to say, "Well, if it's not good enough for Europeans, it's not good enough for my people"?

Borlaug: Of course. This is a negative effect. We always have this. Take the case of DDT. When it was banned here in the U.S. and the European countries, I testified about the value of DDT for malaria control, especially throughout Africa and in many parts of Asia. The point I made in my testimony as a witness for the USDA was that if you ban DDT here in the U.S., where you don't have these problems, then OK, you've got other insecticides for agriculture, but when you ban it here and then exert pressures on heads of government in Africa and Asia, that's another matter. They've got serious human and animal diseases, and DDT is important. Of course, they did ban DDT, and the danger is that they will do the same thing with biotech now.

Reason: What do you see as the future of biotechnology in agriculture?

Borlaug: Biotechnology will help us do things that we couldn't do before, and do it in a more precise and safe way. Biotechnology will allow us to cross genetic barriers that we were never able to cross with conventional genetics and plant breeding. In the past, conventional plant breeders were forced to bring along many other genes with the genes, say, for insect or disease resistance that we wanted to incorporate in a new crop variety. These extra genes often had negative effects, and it took years of breeding to remove them. Conventional plant breeding is crude in comparison to the methods that are being used with genetic engineering. However, I believe that we have done a poor job of explaining the complexities and the importance of biotechnology to the general public.

Reason: A lot of activists say that it's wrong to cross genetic barriers between species. Do you agree?

Borlaug: No. As a matter of fact, Mother Nature has crossed species barriers, and sometimes nature crosses barriers between genera—that is, between unrelated groups of species. Take the case of wheat. It is the result of a natural cross made by Mother Nature long before there was scientific man. Today's modern red wheat variety is made up of three groups of seven chromosomes, and each of those three groups of seven chromosomes came from a different wild grass. First, Mother Nature crossed two of the grasses, and

this cross became the durum wheats, which were the commercial grains of the first civilizations spanning from Sumeria until well into the Roman period. Then Mother Nature crossed that 14-chromosome durum wheat with another wild wheat grass to create what was essentially modern wheat at the time of the Roman Empire.

Durum wheat was OK for making flat Arab bread, but it didn't have elastic gluten. The thing that makes modern wheat different from all of the other cereals is that it has two proteins that give it the doughy quality when it's mixed with water. Durum wheats don't have gluten, and that's why we use them to make spaghetti today. The second cross of durum wheat with the other wild wheat produced a wheat whose dough could be fermented with yeast to produce a big loaf. So modern bread wheat is the result of crossing three species barriers, a kind of natural genetic engineering.

Reason: Environmentalists say agricultural biotech will harm biodiversity.

Borlaug: I don't believe that. If we grow our food and fiber on the land best suited to farming with the technology that we have and what's coming, including proper use of genetic engineering and biotechnology, we will leave untouched vast tracts of land, with all of their plant and animal diversity. It is because we use farmland so effectively now that President Clinton was recently able to set aside another 50 or 60 million acres of land as wilderness areas. That would not have been possible had it not been for the efficiency of modern agriculture.

In 1960, the production of the 17 most important food, feed, and fiber crops—virtually all of the important crops grown in the U.S. at that time and still grown today—was 252 million tons. By 1990, it had more than doubled, to 596 million tons, and was produced on 25 million fewer acres than were cultivated in 1960. If we had tried to produce the harvest of 1990 with the technology of 1960, we would have had to have increased the cultivated area by another 177 million hectares, about 460 million more acres of land of the same quality—which we didn't have, and so it would have been much more. We would have moved into marginal grazing areas and plowed up things that wouldn't be productive in the long run. We would have had to move into rolling mountainous country and chop down our forests. President Clinton would not have had the nice job of setting aside millions of acres of land for restricted use, where you can't cut a tree even for paper and pulp or for lumber. So all of this ties together.

This applies to forestry, too. I'm pleased to see that some of the forestry companies are very modern and using good management, good breeding systems. Weyerhauser is Exhibit A. They are producing more wood products per unit of area than the old unmanaged forests. Producing trees this way means millions of acres can be left to natural forests.

Reason: A lot of environmental activists claim that the BT toxin gene, which is derived from *Bacillus thuringiensis* and which has been transferred into corn and cotton, is going to harm beneficial insects like the monarch butterfly. Is there any evidence of that?

Borlaug: To that I [respond], will BT harm beneficial insects more than the insecticides that are sprayed around in big doses? In fact, BT is more specific. There are lots of insects that it doesn't affect at all.

Reason: It affects only the ones that eat the crops.

Borlaug: Right.

Reason: So you don't think that putting the BT gene in corn or cotton is a big problem?

Borlaug: I think that whole monarch butterfly thing was a gross exaggeration. I think the researchers at Cornell who fed BT corn pollen to monarch butterflies were looking for something that would make them famous and create this big hullabaloo that's resulted. In the first place, corn pollen is pretty heavy. It doesn't fly long distances. Also, most monarchs are moving at different times of the season when there's no corn pollen. Sure, some of them might get killed by BT corn pollen, but how many get killed when they are sprayed with insecticides? Activists also say that BT genes in crops will put stress on the pest insects, and they'll mutate. Well, that's been going on with conventional insecticides. It's been going on all my life working with wheat. It's a problem that has been and can be managed.

Reason: But the Cornell researchers went ahead and published their paper on the effects of BT corn pollen on monarch butterflies in the laboratory.

Borlaug: Several of us tried to encourage them to run field tests before it was published. That's how science gets politicized. There's an element of Lysenkoism [Lysenko was Stalin's favorite biologist] all tangled up with this pseudoscience and environmentalism. I like to remind my friends what pseudoscience and misinformation can do to destroy a nation.

Reason: Some activists claim that herbicide-resistant crops end up increasing the amount of herbicide that's sprayed on fields. Do you think that's true?

Borlaug: Look, insecticides, herbicides, and fertilizer cost money, and the farmer doesn't have much margin. He's going to try to use the minimum amount that he can get by with. Probably in most cases, a farmer applies less than he should. I don't think farmers are likely to use too much.

Reason: What other crop pests might biotech control in the future?

Borlaug: All of the cereals except rice are susceptible to one to three different species of rust fungi. Now, rusts are obligate parasites. They can only live under green tissue, but they are long-lived. They can move in the air sometimes 100, 500, 800 miles, and they get in the jet stream and fall. If the crop variety is susceptible to rust fungi and moisture is there and the temperature is right, it's like lighting a fire. It just destroys crops. But rice isn't susceptible—no rust....One thing that I hope to live to see is somebody taking that block of rust-resistance genes in rice and putting it into all of the other cereals.

Reason: Do biotech crops pose a health risk to human beings?

Borlaug: I see no difference between the varieties carrying a BT gene or a herbicide resistance gene, or other genes that will come to be incorporated, and the varieties created by conventional plant breeding. I think the activists have blown the health risks of biotech all out of proportion.

Reason: What do you think of organic farming? A lot of people claim it's better for human health and the environment.

Borlaug: That's ridiculous. This shouldn't even be a debate. Even if you could use all the organic material that you have—the animal manures, the human waste, the plant residues—and get them back on the soil, you couldn't feed more than 4 billion people. In addition, if all agriculture were organic, you would have to increase cropland area dramatically, spreading out into marginal areas and cutting down millions of acres of forests.

At the present time, approximately 80 million tons of nitrogen nutrients are utilized each year. If you tried to produce this nitrogen organically, you would require an additional 5 or 6 billion head of cattle to supply the manure. How much wild land would you have to sacrifice just to produce the forage for these cows? There's a lot of nonsense going on here.

If people want to believe that the organic food has better nutritive value, it's up to them to make that foolish decision. But there's absolutely no research that shows that organic foods provide better nutrition. As far as plants are concerned, they can't tell whether that nitrate ion comes from artificial chemicals or from decomposed organic matter. If some consumers believe that it's better from the point of view of their health to have organic food, God bless them. Let them buy it. Let them pay a bit more. It's a free society. But don't tell the world that we can feed the present population without chemical fertilizer. That's when this misinformation becomes destructive.

Reason: What do you think of Worldwatch Institute founder Lester Brown and his work?

Borlaug: I've known Lester Brown personally for more than 40 years. He's done a lot of good, but he vacillates, depending on the way the political and economic winds are blowing, and he's sort of inclined to be a doomsayer.

Reason: He recently said, "The world's farmers can no longer be counted on to feed the projected additions to our numbers." Do you agree with that?

Borlaug: No, I do not. With the technology that we now have available, and with the research information that's in the pipeline and in the process of being finalized to move into production, we have the know-how to produce the food that will be needed to feed the population of 8.3 billion people that will exist in the world in 2025.

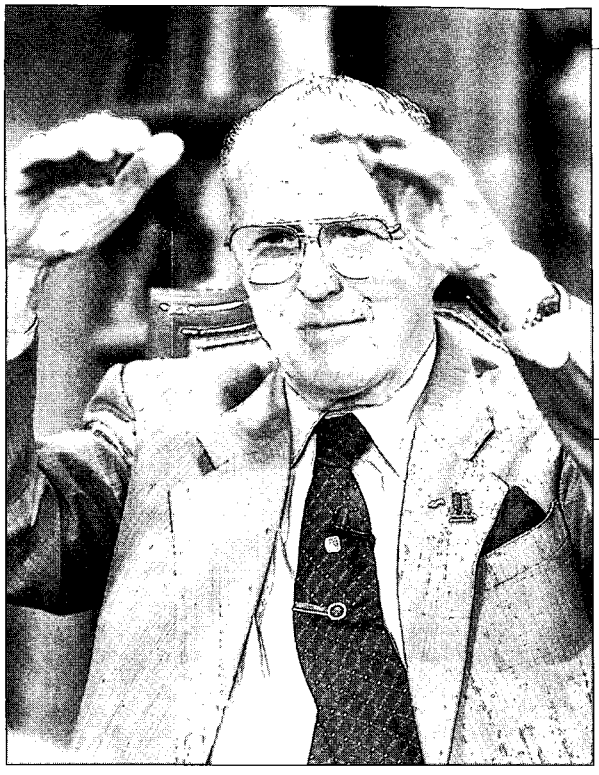
I don't like to try to see further than about 25 years. In 1970, at the Nobel Prize press conference, I said I can see that we have the technology to produce the food that's needed to the year 2000, and that we can do it without destroying a lot of the environment. Modern agriculture saves a lot of land for nature, for wildlife habitat, for flood control, for erosion control, for forest production. All of those are values that are important to society in general, and especially to the privileged who have a chance to spend a lot of long vacations out looking at nature. I say we can produce enough food with the technology available and what's in the process of being developed, assuming that we don't have all this agricultural progress destroyed by the doomsayers. That is, we will be able to produce enough food in 2025 without expanding the area under cultivation very much and without having to move into semi-arid or forested mountainous topographies.

Reason: It seems that every five years or so, Lester Brown predicts that massive famines are imminent. Why does he do that? They never happen.

Borlaug: I guess it sells. I guess what he writes has a lot to do with raising funds.

Reason: Brown notes that India tripled its wheat yields in the past three decades, but he says that will be impossible to do again. Do you think he's right?

Borlaug: No. The projections in food production in India continue to go up on the same slope. When we transferred the Green Revolution wheat technology to India, production was 12 million tons a year. Last year it was 74 million tons, and it is still going up. Once in a while production may go down by a couple of million tons when there's a drought, but in general it continues to go up. Also, the increase in production has occurred with very modest increases in cultivated area. A lot of wild land has been saved in India, China, and the United States by high-yield technology.



"We've had no major famines since the Green Revolution began. But there are probably 800 million people who are undernourished in the world. So there's still a lot of work to do."

India has produced enough and sometimes has a surplus in grain. The problem is to get it into the stomachs of the hungry. There's a lack of purchasing power by too large a part of the population. There are still many hungry people, not dying from starvation, but needing more food to grow strong bodies and maintain health and work effectively. The grain is there in the warehouses, but it doesn't find its way into the stomachs of the hungry.

Reason: What do you think of Paul Ehrlich's work?

Borlaug: Ehrlich has made a great career as a predictor of doom. When we were moving the new wheat technology to India and Pakistan, he was one of the worst critics we had. He said, "This person, Borlaug, doesn't have any idea of the magnitude of the problems in food production." He said, "You aren't going to make any major impact on producing the food that's needed." Despite his criticisms, we succeeded, of course.

Reason: When an alleged expert like Ehrlich is being negative like that, does that discourage people? Does it hurt the efforts to boost food production?

Borlaug: Sure, because we were funded by a foundation....They'd hear his criticisms, and I'm sure there were some people at Rockefeller saying, "Maybe we shouldn't fund that program anymore." It always has adverse effects on budgeting.

Reason: Why do you think people still listen to Ehrlich? One can go back and read his doomsday scenarios and see that he was wrong.

Borlaug: People don't go back and read what he wrote. You do, but the great majority of the people don't, and their memory is short. As a matter of fact, I think this [lack of perspective] is true of our whole food situation. Our elites live in big cities and are far removed from the fields. Whether it's Brown or Ehrlich or the head of the Sierra Club or the head of Greenpeace, they've never been hungry.

Reason: You mentioned that you are afraid that the doomsayers could stop the progress in food production.

Borlaug: It worries me, if they gum up all of these developments. It's elitism, and the American people are vulnerable to this, too. I'm talking about the extremists here and in Western Europe....In the U.S., 98 percent of consumers live in cities or urban areas or good-size towns. Only 2 percent still live out there on the land. In Western Europe also, a big percentage of the people live off the farms, and they don't understand the complexities of agriculture. So they are easily swayed by these scare stories that we are on the verge of being poisoned out of existence by farm chemicals.

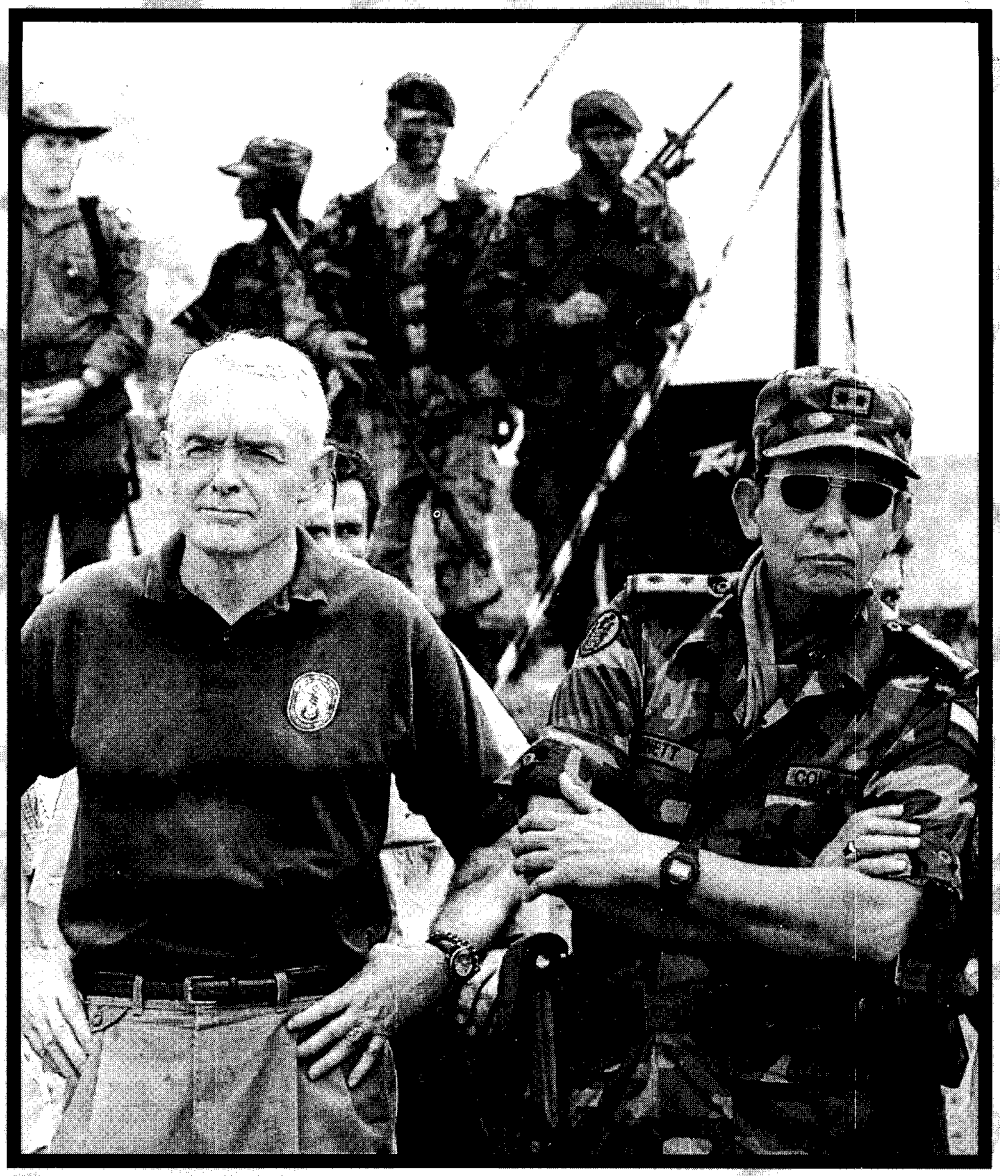
Bruce Ames, the head of biochemistry at Berkeley, has analyzed hundreds and hundreds of foods, including all of the basic ones that we have been eating from the beginning of agriculture up to the present time. He has found that they contain trace amounts of many completely natural chemical compounds that are toxic or carcinogenic, but they're present in such small quantities that they apparently don't affect us.

Reason: Would you say the Green Revolution was a success?

Borlaug: Yes, but it's a never-ending job. When I was born in 1914, the world population was approximately 1.6 billion people. It has just turned 6 billion. We've had no major famines any place in the world since the Green Revolution began. We've had local famines where these African wars have been going on and are still going on. However, if we could get the infrastructure straightened out in African countries south of the Sahara, you could end hunger there pretty fast....And if you look at the data that's put out by the World Health Organization and [the U.N.'s Food and Agriculture Organization], there are probably 800 million people who are undernourished in the world. So there's still a lot of work to do.

The Drug War's

By Timothy Pratt



AP / WIDE WORLD PHOTO

Southern Front

Colombia, cocaine, and U.S. foreign policy

Dr. Alvaro Dueñas was already harried, given that two American journalists had pulled him from his daily research routine to grill him about his role in manufacturing a medicine under investigation by the U.S. Food and Drug Administration. One reporter was Laurie Goering of the Chicago Tribune, who'd flown from Rio to Cali, Colombia, to investigate allegations of faulty lab practices and financial foul play. The other, a Cali-based correspondent hired to help find local contacts and translate their Spanish, was me.

Traveling Man: U.S. drug czar Barry McCaffrey in Colombia.

Just Say "No Mas": Scene from one of last fall's anti-kidnapping demonstrations.

About halfway through the four-hour interview, the gray-haired scientist's cell phone rang. Dueñas excused himself for a minute, nodded his head to the phone a few times, and hung up, looking a little pale. The reporters pressed on. As they later stood to leave, the doctor stuck out his hand and let loose a long breath. "Thank you so much," he finally said. The doctor's display of gratitude was puzzling. The interview had been tense at times; what could he possibly be thankful for?

"I was planning to visit my family farm today, three hours south in Popayan," the scientist explained. "But I stayed to do the interview instead. One of my sons called while we were talking to tell me the guerrillas just attacked the area. You two saved my life."

That's something a reporter doesn't hear every day.

Two days later, things turned stranger. As we interviewed the doctor's colleagues, we had mentioned the drug being investigated—and the millions it was earning in the United States. Dueñas' colleagues started calling him to ask what he had done with all the cash he must be taking in and why they weren't getting any.

Another of the scientist's sons called Goering at the Hotel Intercontinental. "Do you have any idea how much risk you've put my father in?" he screamed into the phone. "In this country, everyone's got a price on his head. He could get kidnapped at any moment, thanks to you. Not only that: How do I know you're really journalists? Maybe you're after him as well!"

The son set to investigating both of us with the DAS, the Colombian version of the FBI. He even called my house and asked who lived there. Finally, the scientist, the son, and the two of us met at the hotel, and things calmed down a bit. Goering's probe—which, for the record, turned up no wrongdoing—was finished within a week.

But another story was far from finished. It's the story of an often dirty war, now in its fourth decade and bloodier than ever. As the violence grows worse, many, especially in Washington, D.C., lay the blame on the hundreds of thousands of Colombian acres planted with coca and poppy plants. In Washington, the favorite answer is arms, interdiction, and eradication, all embedded in dollops of aid. How powerful a rush does the drug war's southern front pack? With $289 million sent there last year, Colombia now receives more U.S. aid than any other country except Egypt and Israel.

In July, five American soldiers died when their plane crashed during an anti-drug mission—our first military casualties in the drug war. In August, Secretary of State Madeleine Albright jotted an op-ed on "Colombia's Struggles, and How We Can Help" in *The New York Times*. In the first weeks of 2000, Albright met with President Andres Pastrana and other high-ranking Colombian officials; it was the first time a U.S. secretary of state had visited this Andean country in 14 years. Drug czar Barry McCaffrey showed up in Colombia several times last year, as did Thomas Pickering, the third-ranking official at the

AP / WIDE WORLD PHOTO

State Department. Also in 1999, the U.S. asked the Colombian government to come up with a plan for the country. It did, and it's asking for $3.5 billion to implement the package.

The so-called "Colombia Plan" is 30 pages long; it calls for social welfare, reforms in the justice system, jobs and foreign investment, negotiations with Marxist guerrillas who have been fighting the government for nearly 40 years, and, above all, more muscle to fight the drug trade. In simpler terms, Pastrana calls it "55 percent on narcotics trafficking and 45 percent on social investment."

Military aid comes first, though. In a letter to *The Washington Post* last year, House International Relations Committee Chairman Ben Gilman (R–N.Y.), a staunch supporter of the aid, said the first thing the U.S. should send south is 100 choppers. Second, there should be "fast-track processing of Colombian army and police aid from U.S. stockpiles," along with increased military training. Finally, there should be no contact with the guerrillas: Pastrana, who's spent nearly a year trying to jump-start his peace talks with the Revolutionary Armed Forces of Colombia (FARC), should drop the idea. (With an estimated 15,000 soldiers, FARC is the largest of the country's three rebel armies.)

Gilman reasons that the guerrillas—and at least some of the anti-guerrilla paramilitary armies—are getting rich by taxing the coca and poppy crops that supply an estimated three-quarters of America's cocaine and more than half of its heroin. Thus, the theory goes, the drug trade underpins Colombia's long list of woes. Shoring up the army and the police will fix everything up, paving the way for more social investment.

Sound good? Not to Robert White, former ambassador to El Salvador and Paraguay and current president of the Center for International Policy in Washington. White served in El Salvador under the Carter administration, leaving shortly before President Reagan started sending men and cash to fight the rebels there. Now he's feeling déjà vu. He too wrote to the *Post* last year, but his message was rather different from Gilman's. "There are many ways to conduct foreign policy," he noted, "but surely one of the worst is to take a complex challenge and reduce it to a single issue. Colombia is not just the place that feeds America's voracious appetite for illegal drugs." White is among many in both countries who are starting to suspect that the war on drugs is part of the problem, not the solution. The future of Colombia's 38 million citizens may well depend on how quickly such thinking spreads.

The drug war has distorted America's foreign policy, and it has done even more damage to life inside Colombia—corrupting officials, fueling violence, and ripping the country apart.

Three weeks after my meeting at the Hotel Intercontinental, on a late-May Sunday morning buzzing with cicadas, my home phone rang. It was Dr. Dueñas' son, screaming again—not with anger this time, but with fear. "I'm calling from a church," he said. "My father and more than 180 others have just been kidnapped by the guerrillas. Can you help?"

Alvaro Dueñas regularly attended the Children's Mass, so known because most worshippers attend with their families, at La Maria, a church on the outskirts of Cali. That Sunday, he had walked into perhaps the largest kidnapping in history, courtesy of Colombia's second-largest group of rebels, the National Liberation Army (ELN). The guerrillas had chosen the church because it was located in a well-to-do neighborhood and because it was only 20 minutes from the mountains, a territory this group knows as well as the faithful knew their social clubs and fenced-in houses.

In the days after the kidnapping, the children who give the mass its name were released. By the end of last year, the rest of the hostages, including Dueñas, were also free. The first few groups of hostages were released under the glare of television news cameras. From across the nation, reporters had rumbled along mountain back roads, at times under nightfall, racing to be the first to stick a microphone in a victim's face and ask, "How do you feel?"

That display was the last straw in a growing movement in Colombian newsrooms to tone down sensationalism, increase discretion, and look more closely at the media's role in helping or harming peace efforts. A few television stations briefly ran violent news in black and white—in protest, and as "an invitation to reflection." There was also a "treaty for discretion." Readers began writing to newspapers, begging for less coverage of the guerrillas—and the paramilitary groups that combat

them—and more coverage of people working toward peace.

The 5,000-strong ELN had first claimed political motives for the kidnapping. Then it reversed its position, seeking ransom for the remaining hostages. The hostages' families responded by drafting and signing an unprecedented pact. It said: *We refuse to pay a dime.*

The families also staged a permanent encampment—a Liberated Zone, they called it—outside Cali's bullfighting ring, vowing to become the nucleus for a movement to end the longest-running civil war in this hemisphere. One of their first measures was to spread the "Don't Pay" pacts, in hopes of shutting down one of the guerrillas'—and, to a lesser degree, the paramilitaries'—favored means of funding their armies (along with extortion, cattle rustling, and taxing illicit crops). According to the Bogota-based anti-kidnapping group Pais Libre, there are more abductions per year in Colombia than in any other country in the world, with nearly 3,000 reported in 1999. Even President Pastrana was held hostage a decade ago, during the heyday of the notorious drug capo Pablo Escobar.

Before the last churchgoers were finally freed, some released hostages said that those still *arriba*, or "up there," included a mid-level cocaine trafficker. Rumors spread that the so-called *traqueto*—a local term for a mid-level cocaine trafficker derived from the sound of a submachine gun—was arming a battalion to go into the mountains and rescue him. Others whispered that some families had broken the pact, even paying on three-year "installment plans."

"It has been a difficult year," Pastrana recently told *The New York Times*. That's for sure. Aside from the kidnapping at La Maria, the war left at least 500 massacres in its wake in 1999—one, sometimes two, each day. Each massacre meant another ghost town, as Colombia rose toward the top of another cheerless list, with an estimated 1.5 million internal refugees. About 95 percent of all criminal cases are unsolved, and around 16,000 public employees are under investigation for corruption. Naturally, much of the latter is a direct product of the drug trade and the drug war, as when drug bosses bribe their way out of prison or evidence mysteriously "disappears" from prosecutors' offices. Under all this murky mess, the economy is barely moving, with one out of five Colombians unemployed.

Guerrillas, paramilitaries, drugs, kidnappings, rumors, mistrust, fear: All mix together in a pot that just barely avoids boiling over. In Colombia, they call this *la situacion*—"the situation."

No wonder, then, that Dr. Dueñas has abandoned ship, along with several hundred thousand fellow citizens who fled their homeland. In Cali, at the government office that issues passports, a harried official named Colombia Medina reports, "Until recently, we had the parking lot attendants help people waiting in line outside. Now, we've called in the police."

"If you have a good life here," says a passport clerk, "you leave because they might kidnap or rob you....If you don't have a good life here, you leave in order to find a better life somewhere else."

Colombians are applying for passports and visas in record numbers—in some cities, nearly twice as many as in previous years. Bribes are rampant, and so are false documents. "If you have a good life here," says Medina, "you leave because they might kidnap or rob you. And if you don't have a good life here, you leave in order to find a better life somewhere else."

Among those who stay, however, thousands are working to restore peace and hope to their country. In one of the world's most violent countries—with an urban homicide rate 10 to 25 times the global average, depending on the city—some people are trying to start a peace movement. Its most visible display took place on Sunday, October 24, when more than 100 local, national, and international groups staged a massive march down Colombia's streets. Five to 10 million citizens—up to a quarter of the country—joined the parade.

The anti-kidnapping group Pais Libre was a key player in organizing the march, and "No More Kidnapping!" was one of the most popular slogans shouted on that drizzly Sunday. Journalist Francisco Santos founded the group nine years ago, after surviving his own kidnapping. Santos belongs to the family dynasty behind *El Tiempo*, Colombia's leading daily; both the paper in general and his weekly column have helped mobilize different sectors of society fed up with the violence. Last May's abduction at La Maria gave the movement more urgency. In all the years of kidnappings, the country had never seen

so many hostages taken at once—and never, in this devoutly Catholic country, from a church. On the heels of that crime, from June 1 to October 24, Pais Libre led 44 marches in towns and cities across the nation.

But the headlines on October 25, the day after the biggest march of all, had to account for two events. Pastrana's peace talks with FARC had picked up that same Sunday, after nine months of stalls. In a show of piggybacking on public opinion—which could only come across as strange, since his group had sparked part of the mass outrage—FARC leader Raul Reyes unfurled his own list of "No Mores." First up: "No more State terrorism in its paramilitary expression." Then: "No more increases in defense spending; no more Gringo military aid...no more impositions from the International Monetary Fund; no more foreign debts; no more interference from the United States in the internal affairs of Colombia ...no more peasants without land or credits..." The list reeled on.

FARC adopted its name in 1966, with campesino militant Pedro Antonio Marin—a.k.a. Tirofijo, or "Sureshot"—at the helm. But its genesis dates back to 1949, when Liberal presidential candidate Jorge Eliecer Gaitan was assassinated in Bogota. Rioting followed in the streets, and a bloody war, known simply as *la violencia*, flared between left and right. Two hundred thousand died.

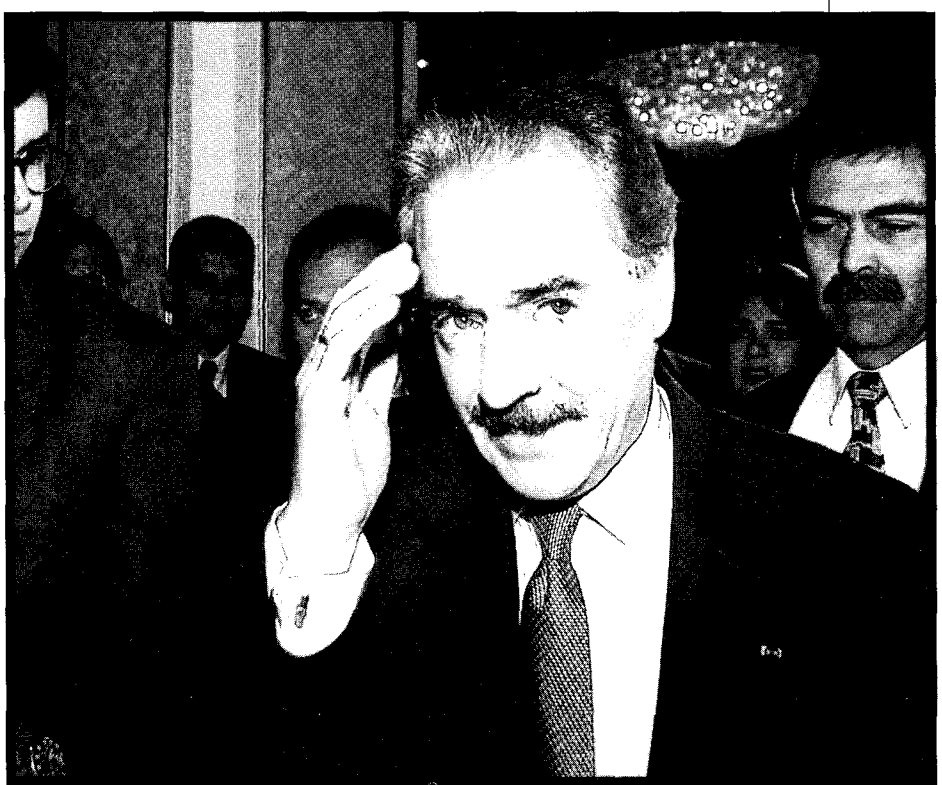
In 1953, the government offered amnesty to the rebels. The Liberals accepted and laid down their arms; the Communists took to the hills. In 1960, after six years of building support in the countryside, the Communist Party officially declared the need for an armed movement; this soon became FARC. The government stepped up its attacks.

From the '60s to the '90s, FARC never had more than 6,000 soldiers; it was just one more problem in a country with plenty of troubles to contend with. But in the last 10 years, between the economic downturn and the government's failure to enact serious agrarian reform, life for a farmer's son or daughter began to look less promising than ever. Colombia has an old-fashioned Latin American economy: Corruption is rampant, business and government are closely entwined, and wealth and land are concentrated in the hands of a few. The guerrillas at least offer food, pay a salary (about $100 a month more than the Colombian army), and lend some purpose to thousands of young campesinos' lives.

By 1995, FARC's forces had swelled to nearly 8,000. In the last five years, the group has doubled again. At 71, Pedro Antonio Marin, still called Sureshot, may be the world's oldest Marxist-in-the-mountains.

For at least 50 years, those mountains have also been home to right-wing paramilitary forces. The most recent army, founded in the '80s, is Colombians United in Self-Defense (AUC), led by Carlos Castaño, a man in his 30s who permits only photos of his back in the press. The comandante and his troops—who Castaño claims "would die for me"—have a single-minded military mission: to hunt and kill guerrillas and anyone who supports them. In the last several years, their forces have doubled; they now have close to 7,000 men.

Castaño has ordered the massacre of entire towns where, he always insists to journalists afterward, "We had



Drug Hostage: Colombian President Andres Pastrana was himself kidnapped a decade ago.

AP / WIDE WORLD PHOTO

information that there were guerrillas, there was kidnapping, there were combats, they were holing up in people's houses." He avers, "By killing one rebel, we save others whom they were going to kill later." AUC, he insists, is not paramilitary; it's just "self-defense forces." It is financed, he says, by "the people who have no police, no army, no state. They are fishermen, lumbermen, freight companies, businessmen, small cattle ranchers, and large landowners...plus the money from the coca growers."

Regarding the latter, the comandante explains, "Listen, that's the nature of the economy here. The FARC finance themselves with the same money. So I have to take their sources away and finance my troops. [But] the self-defense forces don't produce drugs, or protect laboratories, or export drugs. For a long time now, there's a tendency in Colombia to treat our problems and solutions as if it was all about narcotics and nothing else."

AUC's military stronghold is in northern Colombia; it is staffed, in part, by former officials from the armed forces. At least one of these says he was trained at Georgia's notorious School of the Americas. Human rights organizations in Canada and the United States, including Human Rights Watch and Amnesty International, have expressed concern over the links between the Colombian army and AUC. Some Clinton administration officials and members of Congress have urged withholding aid from the armed forces until those links are investigated.

The army has responded to these concerns in recent months by taking human rights courses with U.S. advisers at the Tolemaida military base, south of Bogota. Meanwhile, Castaño's group is trying to distance itself from the *army*. At its last national convention, held three years ago, a document leaked to the press complained how "participation by members of the Armed Forces in our operations has become a big headache."

In the same meeting, the AUC leadership called for a bigger political presence, given that "the movement...is still at the margin of politics and the law, even though many of our collaborators, founders, helpers, backers, and leaders are part of the day-to-day political process."

From 1998 to 1999, U.S. funds for Colombia tripled. Because of the army's bad reputation, the new money went almost entirely to the nation's police. And atop that police force is Gen. Rosso Jose Serrano, a self-described "country boy" who has been key to much of Washington's recent thinking about Colombia.

Serrano has been a policeman for 37 of his 57 years. He was head of the anti-narcotics division when a special police unit shot Pablo Escobar off a Medellin rooftop in 1993. In 1994, he became chief of police and set after the Cali Cartel. Within three years, he had captured its leaders and several other kingpins, and had purged his force of 8,000 corrupt officers as well.

Along the way, Serrano made more than a few friends in Congress, the Drug Enforcement Administration, the FBI, and other American law enforcement agencies. His allies include House Speaker Dennis Hastert (R–Ill.), Rep. Dan Burton (R–Ind.), Sen. Paul Coverdell (R–Ga.), drug czar Barry McCaffrey, and former DEA director Thomas Constantine. In 1997, Hastert even gushed that Colombia's top cop deserves a Nobel Peace Prize.

Even more remarkably, Serrano, unlike many high-level Colombian visitors to Capitol Hill, speaks no English. "They all seem to understand my gestures and expressions," he says with a grin.

U.S. Deputies: Colombia's narco cops have received massive aid and training from Washington.

© AFP / CORBIS

For Serrano, resolving *la situacion* is simple, though not necessarily easy. "Drugs are the devil," he says. "If we get rid of drug trafficking, then we can reach peace." Reminded of the country's long history of violence—and of his own description of Santander, his birthplace, as an area "where people kill each other for nothing"—Serrano insists that "things have gotten much worse after the onset of the cartels. This society fell apart after drugs came on the scene."

Of course, it's the international drug war, and not the drugs themselves, that's led to the violence. The fighting probably reached its height at the onset of the '90s, when Pablo Escobar led a terrorist campaign against legalizing extradition of drug traffickers to the United States. In the first three years of this decade, annual homicides in Colombia reached 28,000.

Nonetheless, the general's friends, including drug czar McCaffrey, agree with Serrano's assessment of the problem. At least a decade ago, the U.S. adopted a two-pronged approach to its South American drug war: Spray the poppy and coca fields, and jail or kill the drug bosses and others in the complex chain of supply. McCaffrey and company are sure this strategy will eventually work, if only given more time and money.

But there are dissenters. In the media, the universities, and even the government, a growing group is saying that the war on drugs simply isn't working.

Last October, at an environmental conference in Bogota, sociologist Ricardo Vargas unveiled a study titled "Spraying and Conflict." According to Vargas, the government's efforts to spray away marijuana, coca, and poppies have produced some rather dubious results. Colombia's coca and poppy fields, he notes, "have grown most in total area in the last five years—exactly when spraying has been done." In 1994, Colombia had 40,000 hectares of coca. In 1998, there were "at least 100,000." (A hectare is equal to about 2.5 acres.)

In this scenario, the growers are caught between a rock and a hard place. The government has made attempts to encourage "crop substitution" to legal commodities, such as plantains, rubber, and hearts of palms. But these have generally been bungled. To make them work, the authorities would have to coordinate a host of international and state agencies, mobilizing everything from farm credit to road-building. For now, the drug war is propping up the prices peasants can get for their illicit products: They can earn up to $500 per month for every hectare planted with coca, while the crops the government favors would fetch only half that in the best of circumstances. No coca farmer is going to invest in developing a different crop that brings such a lower return, especially with guerrillas and paramilitaries, working with traffickers, offering growers steady buyers at high prices and eliminating problems like transportation.

The government's efforts to spray drug crops with herbicides have produced some rather dubious results. In 1994, Colombia had 40,000 hectares of coca. In 1998, there were at least 100,000.

Meanwhile, the government's efforts to crack down on drugs are only alienating farmers. Several years ago, hundreds of thousands in the coca-growing region of Putumayo marched in protest against the spraying, alleging that their livelihoods were being threatened and that no serious alternatives were being offered. Some in the Colombian government countered that FARC was behind the marches—a charge that, if true, only underlines the ways the drug war has driven peasants into the arms of the guerrillas.

On top of that, some are accusing Roundup—the herbicide the government is spraying—of causing health problems. "Everywhere there's been spraying, there's been complaints," notes Vargas. Eider Meneses Papamija, governor of the Yanacona tribe, has convinced President Pastrana to let his people pull up thousands of poppy plants bare-handed, in order to avoid further contact with the herbicide. He blames the spraying for respiratory, eye, and skin infections in the Yanacona community.

The scientific auditor for the police anti-narcotics program, Luis Eduardo Parra, says the Yanaconas' charges are "without basis," noting that Roundup and its active ingredient, glyphosate, have undergone decades of safety studies in the U.S., many of them conducted by the Environmental Protection Agency. "Roundup isn't exactly water, but it's also not the worst thing in that world," he argues.

At the same time, Parra is critical of the Colombian and U.S. governments' overall drug strategy. "There needs to be more work on prevention, since supply will never go down unless demand does," he says. "We don't

have an integrated vision, which is what the problem requires."

Up in Washington, Michael Shifter echoes Parra's critique. Shifter is a senior fellow at Inter-American Dialogue, a think tank devoted to the Americas. "Nobody here on Capitol Hill thinks that the war on drugs is going well," he says. "Data show that it's not getting better, that production is going up. There's a sense it's not working, that there's too narrow an approach. For Colombia, the drug issue comes back to the strength of the state—economically, militarily, and politically." Colombia's government may have a lot of force at its disposal, but so do its opponents. More important, the state doesn't have the social authority to win its war on drugs.

In the first weeks of the new year, President Clinton announced a new multi-year aid package that included $600 million to buy at least 60 choppers and to train two anti-drug battalions.

The Colombia Plan was supposed to address those issues, by strengthening the judicial system and combating corruption. But Shifter questions whether new funds would produce the desired effects, since the plan itself is flawed. "It's too heavily concentrated on narcotics and too geared to the U.S. Congress," he says. "You have to ask, does it reflect Colombia's own priorities? What's important for them? This is what seems to be missing."

In a strange disappearing act, the country's aid request was never seriously included in President Clinton's 1999 budget, despite months of talks in Washington and Bogota and great expectations in the Colombian press. Clinton sent a last-minute note to Pastrana promising that 2000 would be different, and in the first weeks of the new year, he made good on his word, announcing a revised multi-year aid package of $1.3 billion. Secretary of State Albright spent a day in Colombia explaining the plan, which includes $600 million to train and equip two anti-drug battalions and at least 60 choppers. Another $436 million would go to drug interdiction and eradication (including spraying). About 10 percent would be spent trying to give peasants alternatives to growing coca and poppies. The aid pitch now goes to Congress, where Clinton and Pastrana hope emergency approval comes by spring.

Amid all the violence and intrigue, everyday life—if you can call it that—continues in Colombia, no matter how many kilos are found strapped to the bottoms of ships in the harbor of Cartagena, how many CEOs are kidnapped in Cali, how many traffickers are extradited to America, how many casualties pile up in the countryside. Colombians seem able to put up with higher levels of violence and chaos—and for longer periods—than just about anybody. Somehow, they maintain the hope that things will get better.

It's not as though the country lacks hardworking, creative people capable of pushing their way through a crisis. This is the nation of Nobel laureate Gabriel Garcia Marquez, one of the world's most widely translated authors; of artist Fernando Botero, perhaps the only living sculptor to have his work displayed in the Champs-Elysees, on Park Avenue, and in the Piazza della Signoria; of malaria researcher Manuel Elkin Patarroyo, inventor of the synthetic vaccine (as opposed to vaccines made with the viruses). And—speaking of scientists—of Alvaro Dueñas. The hapless doctor is a pioneer of cell-culturing techniques patented in the United States, an accomplishment all the more impressive because he had next to no research budget. "The Communists scared away the Rockefeller, Kellogg, and other foundations in the late '70s," he explains.

Unfortunately, the war has forced many of the most persistent and valuable Colombians, including all those just mentioned, to spend much of their working lives outside the country. And while one can only admire their capacity for hope, the people of this country could use a lot more than that, starting with a serious reexamination of the war on drugs. The drug war has distorted America's foreign policy, and it has done even more damage to life inside Colombia—corrupting officials, fueling violence, and ripping the country apart. That basic fact must be confronted if we are to avoid more needless deaths and more wasted dollars, and if millions of Colombians' hopes for peace are ever to come true.

Timothy Pratt (v.comunicaciones@cgiar.org) is a writer in Cali, Colombia. His work has appeared in newspapers and magazines in the U.S., the U.K., and Canada, including The Economist, The New York Times, *the* Chicago Tribune, *and* The Times of London.

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The In-Box Presidency

What's behind the politics of personality

This truly is the first presidential race of the 21st century, a period defined not simply by dates but by states of mind. The 20th century was an age of ideological combat, of political visions clashing on printed pages and bloody battlefields, an age of heroic rhetoric and executive power. The century began in 1914, with the start of World War I, and ended in 1991, with the failed Soviet coup. We have been in an interregnum ever since, slowly adjusting to a changed world.

The 20th century was not just an era of ideological struggle. It was also an age of planning and high-level management, of bureaucracy as an ideal and society as an engineering project. The president was said to "run the country," as though American life were a machine or a corporation. The job of political leaders was, in Theodore Roosevelt's grandiose formula, "to look ahead and plan out the right kind of civilization." The president became the embodiment of national power and identity, an elected king with a nuclear trigger.

The trigger is still there, but the presidency has shrunk. The limits of social engineering and political faith were apparent by the 1970s, a chastening decade whose legacy of cold-eyed realism is too often denounced as cynicism by those over 40. By the early '90s, the end of the Cold War had made "leader of the free world" a less awesome title. Bill Clinton would never have been elected president before 1992, nor would a Cold War public have tolerated his scandals as merely personal.

Now the romantic age of political heroes is over, for a moment at least, and not everyone is pleased. When *Time* named Albert Einstein "man of the century," Churchill fans were appalled. Without their man, they argued, Western civilization would have fallen to the forces of darkness—forces that would have extinguished Einstein himself. They had a point. But there was wisdom in *Time*'s choice. Einstein is the only 20th-century figure whose name will be a positive touchstone in 500 years. Though they did not realize it, *Time*'s editors were already living in the 21st century, an age in which greatness need not be political.

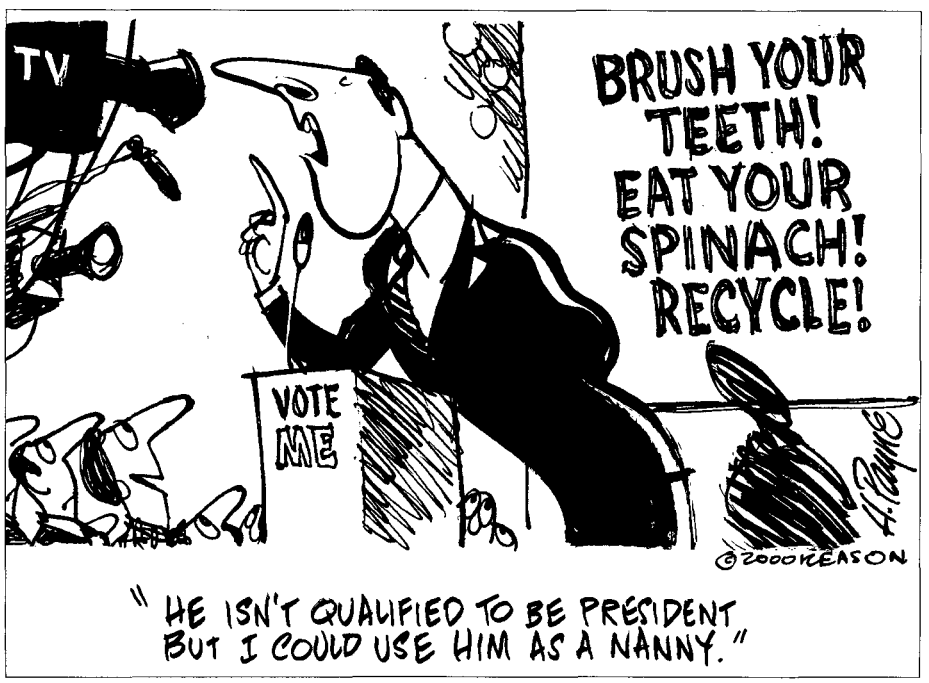
Of course, neither politics nor public policy has disappeared. Political disputes are an essential aspect of civilization, an inevitable consequence of living together. At a more mundane level, Americans still have presidential campaigns every four years, and the energetic executive that Roosevelt and his successors established still wields enormous powers. We have not yet redefined government for a more modest era. Our would-be civilization-planners are still issuing new regulations, even if the Soviet model lies a few layers down in history's compost heap.

But there is something palpably strange about this year's presidential race. It is nearly free of issues. It looks more like a high school student council contest than a choice of historical moment. Candidates dutifully introduce ideas, following the scripts of their predecessors—universal health care if you're a Democrat, big tax cuts if you're a Republican—but voters mostly yawn, interested in personalities, not policies. John McCain may claim his supporters are excited about campaign finance reform, but exit polls say they like his story and his style.

Voters have learned something from the last 12 years that the candidates haven't yet grasped: Nowadays, you never know what the president is going to do from what he says on the campaign trail. This isn't simply a matter of empty promises. It's a reality principle. Presidents don't plan civilization. They react as it changes rapidly and unpredictably. Presidents face questions, challenges, and constraints that never came up in their campaigns: The Soviet Union collapses, Iraq invades Kuwait, the Internet booms, Asian economies crash, tax receipts pour in and wipe out the deficit. It's the age of the in-box president.

President Bush was, in his peculiar way, ahead of his time. His administration lacked activist initiatives. Bush waited for the problems to come to him. In his day, that was damning. Today, it would be good politics.

Interestingly, the truest heir to Bush in this race is not his son but McCain—a war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"HE ISN'T QUALIFIED TO BE PRESIDENT BUT I COULD USE HIM AS A NANNY."

HENRY PAYNE

hero of generally conservative instincts but little political philosophy, the scion of a family of public servants, a man who promises little more than to uphold the national honor and do the right thing. McCain sings the praises of Teddy Roosevelt, but his agenda is surface sentiment. Nothing about his impossibly vague platform suggests a genuinely activist agenda. He merely promises to support truth, justice, and the American way.

McCain says again and again that he wants "to inspire young Americans to commit themselves to causes greater than their self-interest," but rarely provides examples of such causes. He offers neither a Clinton-Gore list of wonkish specifics nor a Reaganesque strategy of a few big ideas. The most he promises is to be a good man, vetoing obviously foolish expenditures.

For all his talk of reform, McCain is a status quo candidate whose supporters say they're generally satisfied with the state of the country. They trust him with the nation's in-box because they like him. He's upbeat and funny and courageous. His history recalls an age of heroes without asking us to re-enter it. He appears to speak his mind—or at least not to guard his tongue, which among talking points and spin control seems like the same thing.

McCain draws support from a bizarre cross-section of the ideological spectrum because he has a winning personality. Policy has nothing to do with his success. He barely understands his own tax plan.

The appeal of voting on personality is that character doesn't change much after middle age, and it's harder to fake than policy positions. What you see on the campaign trail is probably what you'll get in office, which is more than we can say for most platforms. The danger is that merely promising to do the right thing or, as McCain likes to say, "to lead," can mean just about anything.

After a century of civilization-planning, an in-box presidency is a strange institution, ill-suited to the expectations and powers invested in the 20th-century president. How this institution works depends crucially on the president's instincts and on the broader "climate of opinion"—the largely unstated assumptions that determine the options from which a president chooses to respond to new developments. What's a respectable policy? What's a reasonable response? What's ridiculous? What's oppressive? What's naive? The climate of opinion combines moral sentiments about right and wrong, empirical observations about what will work, and a hefty dose of political fashion.

The civilization planners in the Clinton Labor Department, for instance, saw nothing absurd or intrusive about trying to force Occupational Safety and Health Administration regulations on home offices. Then word got out about their policy, and the workers who define the cool "new economy" mocked the idea to death. Similarly, political fashion has done wonders for budget balancing and, until recently, for freer international trade. And gas rationing is at least as dead as leisure suits.

More particular presidential (or administration) instincts also matter greatly. During the Bush administration, the economic in-box kept filling up with "competitiveness" questions. Trade protection and technology planning were all the rage among policy intellectuals, who panicked over the declining market share of U.S. memory chip makers. Without immediate government action, said the industrial policy gurus, American electronics companies were going to be wiped out by the Japanese. We would soon have no high-tech sector.

Fortunately, administration instincts ran counter to these experts. Bush policy makers did next to nothing about the competitiveness crisis, and by doing nothing helped make the current boom possible. At great political cost but to enormous economic benefit, the Bush administration also let "restructuring" ripple through the American workplace, despite cries that the government should save those big corporate jobs.

Relying on instincts is dangerous, however, especially when something new appears. Teddy Roosevelt's civilization-planning model encourages presidents and legislators to regulate first and ask questions later. It encourages "bold action" that can stifle the decentralized ideas and individual choices from which true "national greatness" springs. McCain's litanies about an "iron triangle" of "big money and lobbyists and legislation" are not reassuring, since he always omits the actual third side of the proverbial triangle: the regulators. ("Big money and lobbyists" are the same team.) And regulators are the ones, some of them anyway, under the president's control.

An in-box president guided only by an inchoate sense of right and wrong—of duty, honor, and country—will expand the size and scope of government unless the climate of opinion says he shouldn't. That's why George Bush became, in Jonathan Rauch's well-documented epithet, "the regulatory president." He didn't know better and succumbed to peer pressure on environmental and workplace regulations.

There is something palpably strange about this year's presidential race. It is nearly free of issues. It looks more like a high school student council contest than a choice of historical moment.

"McCain's instinctive support for universal [health care] coverage runs headlong into his instinctive opposition to bigger government," writes *The New Republic*'s Jonathan Chait. "Who knows which principle will be left standing?"

Here, then, lies the task for those who would free our civilization from central plans: We must turn the articulated *principles* of freedom into unarticulated *instincts* about what is right and what is wrong, what is real and what is fantasy, what is reasonable and what is inconceivable. In an in-box era, the climate of opinion matters more than ever. ◆

Virginia Postrel (vpostrel@reason.com) is REASON*'s editor-at-large and the author of* The Future and Its Enemies: The Growing Conflict Over Creativity, Enterprise, and Progress, *recently published in paperback by Touchstone.*

Rebel Convoys

Civil disobedience changes FCC policy—again.

By Jesse Walker

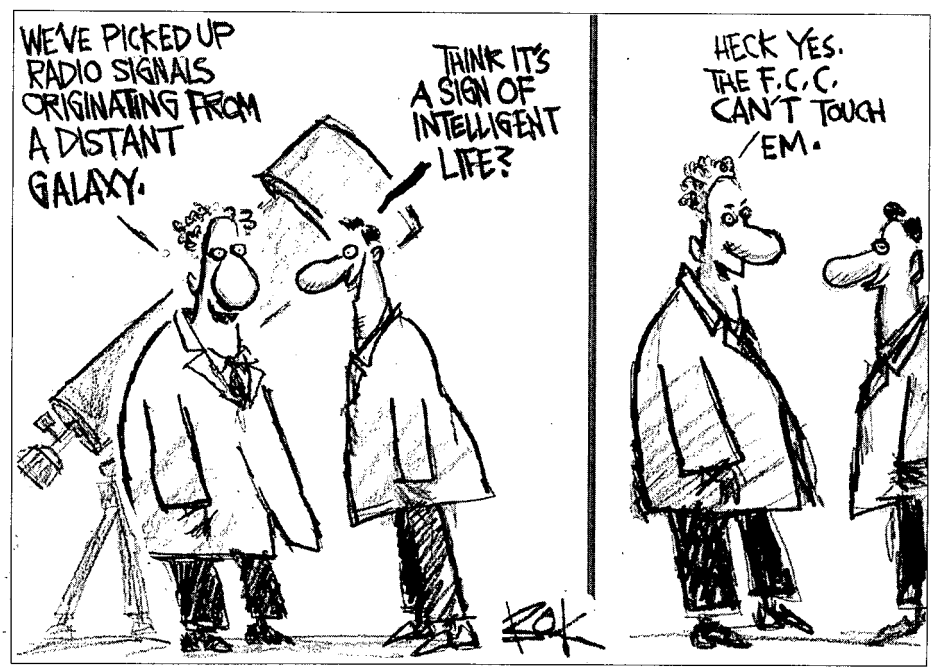
Citizens Band radio was born in 1945, when the Allied victory freed some military frequencies for civilian use. Policemen and big boats were already using two-way radios in other parts of the ether; Motorola executive Daniel Noble suggested letting small businesses—delivery trucks, fishermen, valets—do the same. The Federal Communications Commission agreed, and reserved some shortwave space for a service along those lines.

Alas: This was an ultra-high-frequency zone, an area useless to all but the most expensive and sophisticated radios. The service remained moribund until 1958, when the FCC siphoned 23 channels from the amateur ("ham") band and rededicated them to CB.

The commissioners hoped the revamped Citizens Band would provide a place for "substantive and useful messages related either to the business activities or personal convenience of private citizens." The displaced hams argued that it would become a giant party line instead. The amateurs proved more prescient than the regulators: Within a year, the feds were battling "improper" uses of the Citizens Band, at one point even trying to keep people from speaking in "hobby-type expressions."

The harder the authorities fought, the unrulier the CBers became. The FCC imposed a license application fee, hoping that would squeeze out the riffraff. Instead, people simply neglected to get licensed. Tens of thousands joined the band each year, mostly blue-collar workers whom the government never expected to use the service. A freewheeling, down-home subculture evolved—one held in check, not by statutes, but by ever-evolving customs.

The regulators lacked the resources to enforce their edicts. Eventually, they threw up their hands and accepted that the Citizens Band had been overrun with actual citizens.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THINK IT'S A SIGN OF INTELLIGENT LIFE?
HECK YES. THE F.C.C. CAN'T TOUCH 'EM.
BOK

CHIP BOK

In the 1970s, of course, CB became a fad, a topic for trucker movies and country songs; even Betty Ford joined in, signing on as "First Momma." By 1975, the FCC was getting 200,000 license applications a month. In 1976, it took in 4.8 million. And that was just the people who bothered to apply: No more than half the country's CB users were licensed at all.

The commission was so overwhelmed that it simply gave up charging for licenses. Even that didn't deter the scofflaws. It still took the authorities a few months to process that permit, and they obviously weren't serious about enforcing the rules. So why bother applying?

A quarter of a century later, the radio world is again debating illicit transmissions and popular access to the airwaves. In January, the FCC announced that it would start licensing low-power radio stations, little FM outlets whose signals will cover a radius of four to seven miles. The established industry, naturally, dislikes this plan, as it opens the door to more competition. At its urging, Rep. Michael Oxley (R–Ohio) is pushing a bill that would repeal the plan before it gets underway. Meanwhile, the National Association of Broadcasters, the foremost industry group, is suing the FCC.

In the debate over low-power radio, the Citizens Band story has come up a few times, usually as a cautionary tale. The CB saga, after all, has an unhappy ending. With only so much space available, conversations piled atop conversations. CB signals interfered with other transmissions. Once-formidable informal sanctions began to lose their power; people felt freer to exceed power limits, step on other people's discussions, or otherwise act like jerks. Something had to give, and that something turned out to be CB itself. By the early '80s, the Citizens Band was a virtual ghost town, a Yogi Berra paradox played out in real life: *Nobody ever goes there anymore. It's too crowded.*

The industry argues that microbroadcasting will do the same thing to the FM band, by increasing interference with licensed stations. But that stance flies in the

face of the FCC's field studies, as well as an independent report commissioned by micro radio supporters. (An NAB study concluded otherwise, but it was based on technical standards that *existing* stations can't meet.) Besides, there's no comparison between broadcast signals, which are limited to one channel apiece, and CB transmissions, which by necessity take place in a common pool.

But there is a much more interesting parallel between CB and micro radio. Just as ordinary Americans created a rich CB subculture by ignoring official dictates and simply *going on the air*, the FCC would never have legalized low-power FM if hundreds of pirates hadn't gotten there first. Over the last decade and a half, a host of microcasters have started stations without licenses, a wave of civil disobedience aimed not just at getting good programs on the air but at forcing the FCC to defend its restrictive, protectionist policies. It was this pressure, more than anything else, that put micro radio on the feds' agenda.

The commission, of course, will not admit that it's taken an idea from the very outlaws it's been trying to shut down. Indeed, the new plan will refuse licenses to anyone known to have broadcast illicitly since last February. That's hardly a friendly attitude.

But the very phrase *micro radio* was popularized by the pirates, long before FCC Chairman William Kennard adopted it. No one in Washington would have thought to let more people on the air by legalizing low-power radio if the pirates hadn't made that their central demand. And one doubts that the notoriously slothful FCC would have passed this plan so quickly were it not for the hordes willing to broadcast without its sanction. The pirates didn't just put the issue on the table. They created a crisis of authority that the government had to address.

The question now is how much the new arrangement will really do to open the airwaves. It is, after all, a very limited plan. It will free up many new frequencies in the countryside, but very few in big urban areas: just one in Philadelphia, for example, and none at all in Chicago, New York, or Los Angeles. (In such places, the feds feel the dial is already full—which should surprise all the pirates who've operated there for years.) The new outlets will also face many of the costly regulations that burden existing stations, from outmoded technical standards to the commission's recently revamped Equal Employment Opportunity rules. And then, of course, there is the FCC's unwillingness to license people with a recent history of piracy.

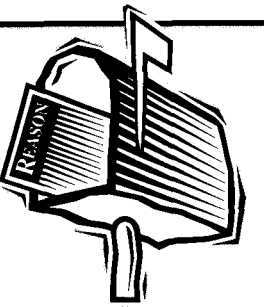
The FCC would never have legalized low-power FM if the pirates hadn't gotten there first. The commission, of course, won't admit that it's taken an idea from the very outlaws it's been trying to shut down.

Some of this may be redressed legally. "The task now is to get as many new stations licensed as possible," says Michael Bracy of the Low Power Radio Coalition, a pro-micro lobby. "We need to show that the technology works, that there's no interference with other stations—and then go back in 2001 and ask for more."

Fair enough. In the meantime, there's one simple measure of how effective the new plan will be. How many people will still go broadcast illegally, risking fines and forfeiture, now that the commission has created this new service? Will pirate radio become an obscure hobby again, or will it remain a vibrant movement?

If piracy's still thriving this time next year, that will only mean that there's more room for reform—and, one hopes, that the FCC will be forced to act again.

REASON Associate Editor Jesse Walker (jwalker@reason.com) has written a forthcoming book about micro radio.



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Show Me the Documents

Why many activists prefer personal attacks to scientific debate.

By Robert A. Levy

A few years ago, when Vice President Al Gore provided ABC's *Nightline* with supposedly incriminating material on some "anti-environmentalists," he probably never guessed that Ted Koppel would allow the accused to defend themselves. Unhappily for Gore, global warming skeptics Fred Singer and Pat Michaels refused to acknowledge that their work was corrupted just because they received money from the Unification Church and the coal industry. Gore's campaign to discredit researchers who wouldn't back the administration's environmental agenda prompted this concluding on-the-air comment from Koppel: "There is some irony in the fact that Vice President Gore, one of the most scientifically literate men to sit in the White House in this century, is resorting to political means to achieve what should ultimately be resolved on a purely scientific basis."

Why do some advocates stoop to such tactics? Evidently, they believe their exalted ends justify repugnant means. And the shakier their science, the more venomous their invective. Consider Stanton Glantz, the University of California at San Francisco professor who spearheaded the crusade against secondhand smoke in California. In a 1995 appearance on ABC radio, he objected to published research questioning the harmful effects of secondhand smoke, charging its author with "aiding and abetting...efforts to kill people." Nevermind that the author, Dr. Julian Lee, is a distinguished thoracic physician who has publicly supported smoke-free workplaces and vigorously condemned the tobacco industry. Lee apparently crossed the line when he stated, "To achieve...a smoke-free society, it isn't necessary to invoke junk science."

Ad hominem assaults have become an indispensable tool for the perversion of scientific evidence by political activists—especially, it seems, among tobacco's foes. Anti-smoking activists like Glantz have too often been willing to sacrifice science to politics, with little regard for truth. I recently experienced an illuminating example of such misplaced zeal.

It started with an article by Dr. Michael Siegel, a professor at the Boston University School of Public Health and at the time a board member of Americans for Nonsmokers' Rights (ANR), the California activist group that Glantz co-founded. Titled "Responding to Tobacco Industry Attacks on the Scientific Evidence Linking Secondhand Smoke to Disease and Death," it was published on ANR's Web site last July. In the article, Siegel advised fellow scientists in the anti-tobacco movement: "Do not get into arguments with the industry about the scientific evidence. This is exactly what the industry wants. It wants to draw public health practitioners into a debate....Instead, the best approach is to expose the tobacco industry ties of the so-called scientists making the arguments."

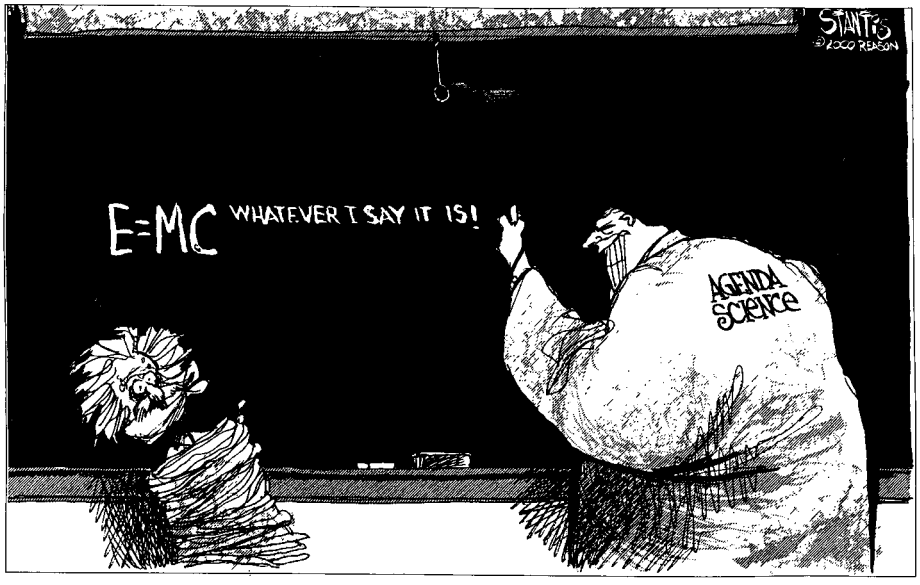
Ad hominem assaults have become an indispensable tool for the perversion of scientific evidence by political activists.

Having set the parameters of scientific debate to exclude science itself, Siegel proceeded to follow his own advice. He cited a 1998 article from *Regulation* magazine in which mathematician Rosalind Marimont and I questioned official estimates of smoking-related deaths. "These authors," he asserted, "have strong connections to the tobacco industry....[ANR] can provide copies of tobacco industry documents which reveal the details of these authors' ties."

In an August 26 e-mail message, I challenged Siegel to produce ANR's "tobacco industry documents," adding that "I'm not aware of any such document(s) but, considering the legal exposure if your allegation is without foundation, I'm sure you'll be able to substantiate what you have written." Siegel responded that he "did not intend to make any personal allegations" but only to point out that the Cato Institute, my employer and the publisher of *Regulation*, "has received funds from the tobacco industry." When I rejected that explanation and again demanded the documents, Siegel conceded that "the way in which I wrote the article was very misleading, and could have been misinterpreted." He continued, "I therefore wish to apologize to you and to publicly retract the statement that I made that could have implied a personal tie between you and the tobacco industry."

Subsequently, Siegel asked ANR to remove the article from its Web site and discontinue any further distribution. He also requested that ANR post an apology and retraction, which would say in part: "I can see how my statement could have been misinterpreted to imply some sort of personal affiliation between Mr. Levy and the tobacco industry....In addition to publicly retracting any suggestion of a personal tie between Mr. Levy and the tobacco industry, I also publicly apologize to Mr. Levy for making the statement. In the future, I will be more careful in my writing when making any kind of statement that could be interpreted as a personal allegation."

In an August 27 e-mail message, I accepted the retraction and apology as "fair and reasonable" and expressed the hope that "we can continue the tobacco debate by focusing on substantive issues—even though you have advised your colleagues that impugning the character of their opponents is the safer and more effective



SCOTT STANTIS

course of action." When Marimont also insisted on an apology, Siegel added this statement to his proposed retraction: "Ms. Marimont has engaged in a career in science...for 37 years, and there is no reason to believe that her writings on smoking or any other issues were guided by anything but her best scientific judgment and professional integrity."

That should have put an end to this episode, but it did not. After ANR pondered Siegel's retraction and apology, Peter Hanauer, the group's co-founder, wrote back to him, in an August 31 e-mail message that Siegel shared with me: "Mike...we do not want to post ANYTHING on our web page that can be construed as an apology or as backtracking from the position taken in the paper you wrote....Given Levy's long history of attacking ETS [environmental tobacco smoke] science, it would be a mistake to state anything that would give him credence [sic]. So, we have decided to remove your name from the paper...and we will post an addendum to the effect that an attempt was made to censor it....ANR must put its political credibility ahead of what you consider to be your scientific credibility."

Thus, an organization purportedly dedicated to advancing the scientific debate over secondhand smoke has conceded that politics, not science, is paramount. ANR's own board member asked that an article he authored—and acknowledged to be potentially libelous—be withdrawn from publication. ANR responded by republishing the article, with the author's name redacted, and this statement in its place: "Robert Levy...has attempted to censor this article by making a veiled threat of legal action against the original author....We have acceded to the author's request to have his name removed from the article."

When I wrote once again on September 16, this time directly to ANR, asking for copies of the "tobacco documents," ANR's executive director, Julia Carol, replied, "We provide documentation as a courtesy to the public, reporters, policy makers, etc. We do not extend this courtesy to the tobacco industry or [its] allies....If you find [what we have said about you] to be the least bit offensive then I suggest you change the work you do."

Reluctant to heed ANR's counsel, I've made no plans to switch jobs. Quite the contrary, I intend to continue promoting objective scientific inquiry, on tobacco-related issues and others. For its part, ANR is a confessed enemy of science, committed only to political orthodoxy, intoxicated by its anti-smoking agenda, unwilling to defend its assertions on their merits, yet ready to malign anyone with the audacity to dispute them.

Indeed, ANR's tax-exempt foundation has gone so far as to develop an "enemies list" of groups and individuals that ANR believes are secretly working for Big Tobacco. A 1996 version of the list included such critics of the anti-smoking movement (in ANR's view, "allies of the tobacco industry") as Loyola College economist Thomas DiLorenzo, City University of New York marketing professor Jean Boddewyn, and REASON Senior Editor Jacob Sullum. Funding for this project came out of a $1.2 million grant from the California Department of Health Services. As a result of the state's Proposition 99, the money came from increased cigarette taxes that were supposed to support community education programs. Until the Los Angeles *Daily News* broke the story in December, California taxpayers were under the illusion that their dollars were sponsoring information campaigns on smoking and health. But as Steve Thompson, vice president for government affairs at the California Medical Association, bluntly told the *Daily News*, "This is politics, not education."

According to the *Daily News*, the ANR Foundation used state revenue from Prop. 99 to monitor people who spoke on tobacco issues at city council meetings, and even to investigate a federal judge in North Carolina who had criticized the Environmental Protection Agency for its report on secondhand smoke. At least one of the "enemies" struck back. After ANR wrongly accused John Nelson, a spokesman for former California Assembly Speaker Curt Pringle, of being on the tobacco industry's payroll, Nelson complained and the foundation apologized. "It's terrifying to think that there is this group out there receiving state funding, scurrying around trying to identify people at city council meetings, and then putting together an enemies list," Nelson said.

On its Web site, ANR denies using taxpayer money for what it calls its "database," even while insisting that "it is completely appropriate for the Department of Health Services to use the tobacco tax revenues generated by voter-approved Proposition 99 to counter pro-tobacco influences in our state." And ANR's method of "countering" its opponents, as usual, is to tar them as paid lackeys of the cigarette companies. In light of that habit, Ted Koppel's admonition to Al Gore applies with special force to ANR: "The measure of good science is neither the politics of the scientist nor the people with whom the scientist associates. It is the immersion of hypotheses into the acid of truth." ◆

Robert A. Levy is a senior fellow in constitutional studies at the Cato Institute.

Miranda Morass

The Supreme Court may repeal your right to remain silent. What should come next?

By Cathy Young

The "Miranda rule," which makes a confession inadmissible in a criminal trial if the accused was not properly advised of his rights, has been so thoroughly integrated into the justice system that any child who watches television can recite the words: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney..." Yet the 1966 Supreme Court ruling in *Miranda v. Arizona* remains the subject of often heated debate. To many conservatives, it embodies liberalism's worst sins, from unbridled judicial activism to an unholy sympathy for "criminals' rights." To most liberals, it represents not only respect for civil liberties but protection for the most socially vulnerable individuals against the coercive powers of law enforcement.

The reality is far more complicated and interesting. While law-and-order conservatives routinely underestimate or wave off the dangers of police coercion, civil libertarians similarly understate *Miranda*'s negative effects on crime control. The irony, however, is that *Miranda* does relatively little to prevent some of the most insidious police abuses—or to protect the innocent.

The *Miranda* debate is newly relevant: Last December, the Supreme Court agreed to take a case—*U.S. v. Dickerson*—which could lead to a reversal of the landmark decision later this year. *Dickerson* stems from a relatively obscure footnote in U.S. legal history (see "Silent Right," June 1999). In 1968, Congress enacted a statute (Section 3501 of the U.S. criminal code) essentially nullifying *Miranda* in federal prosecutions and making all voluntary confessions admissible. The law was rarely used by federal prosecutors, and in 1997, the Justice Department formally stated that it would not be enforced. Two years later, the conservative U.S. Court of Appeals for the 4th Circuit in Virginia forced the issue when the government appealed a federal judge's decision to suppress the statements of an accused bank robber who had confessed before being read his rights. Section 3501 was not invoked in the appeal, but the appellate panel cited it in reinstating the confession and chided the Justice Department for refusing to apply the law. The court's action was prodded by a brief from the right-of-center Washington Legal Foundation, written by Utah College of Law professor Paul Cassell, a persistent and vocal critic of *Miranda*.

While the outcome of *Dickerson* will technically affect only cases tried in the federal courts and in the District of Columbia, it is likely have a major impact on the state level as well. The Supreme Court has repeatedly noted that *Miranda* warnings are not a constitutional right but a "prophylactic" safeguard of the Fifth Amendment privilege against forced self-incrimination. If the court finds that the congressional action overriding *Miranda* is constitutional, the states will be free to pass laws that similarly supplant *Miranda*. While at least two Supreme Court justices —Clarence Thomas and Antonin Scalia— are known to favor reversing *Miranda*, it is hard to predict which way the court will go. But some experts such as Tim Lynch, director of the Cato Institute Project on Criminal Justice in Washington, D.C., believe that U.S. 3501 is likely to be upheld as perfectly legal.

HENRY PAYNE

So what would law enforcement be like in a world without *Miranda*? Imagining that outcome underscores the deeper issues at play. Lynch thinks that the constitutional reasoning behind *Miranda* is shaky. "The Fifth Amendment says the state can't coerce a confession," he explains. "The flaw in *Miranda* is that it says that any un-warned statement by the suspect to the police is coerced." Lynch believes that the pre-*Miranda* standard on confessions—voluntary vs. involuntary—was correct, though often misapplied by pro-police judges. "Suppose an individual under arrest is sitting in a police station and two detectives come in and ask, 'Why did you kill your wife?' and he starts telling them," says Lynch. "Under *Miranda*, that would be inadmissible if the warnings

have not been given. It's not persuasive to me that these are coerced statements."

Robert Bidinotto, editor and co-author of *Criminal Justice? The Legal System versus Individual Responsibility* (1995), argues that defenders of liberty should be concerned with violations of individual rights not only by the state but by criminals. Bidinotto argues that when "relevant and reliable" evidence is suppressed on procedural grounds, neither the lawbreaker nor the government agent who has acted improperly is held accountable for his misconduct; the legal process ceases to be a "search for truth," and "the only one who suffers is the crime victim."

Indeed, some applications of *Miranda* do seem to fly in the face of justice and common sense. Particularly infamous is the case of Robert Anthony Williams, who was arrested in Iowa in 1968 as a suspect in the disappearance of a young girl. On the drive to jail, after Williams had invoked his right to remain silent, a police captain mused that the girl's parents wanted to give her a "Christian burial"; an hour later, Williams volunteered to lead the police to the body. His murder conviction was reversed by the Supreme Court on the grounds that the captain's remark was "psychologically coercive." Williams was convicted again, with no mention of how the body was found. Then, an appellate court ruled that the body was inadmissible too, having been located through a tainted confession. This time, the Supreme Court disagreed—using the somewhat shaky argument that the discovery of the body was "inevitable" anyway—and the conviction was reinstated. Notably, in the end, Williams did not "walk" due to *Miranda.* In fact, hardly any defendants ever do, with fewer than 1 percent of arrests eventually resulting in suppressed confessions.

Even when they grant that virtually no confessed criminals go free because of *Miranda,* critics often claim that the rules have "handcuffed" law enforcement in less visible ways. That's the case made by Paul Cassell, the law professor who argued the anti-*Miranda* side in the *Dickerson* appeal before the 4th Circuit. In several law review articles, Cassell, a former federal prosecutor, marshals data which show that after the *Miranda* ruling, the confession rate fell by about six percentage points nationwide and as much as 20 points in some urban areas, while the rate at which violent crimes are solved dropped from 60 percent to around 45 percent (where it remains). Cassell and other *Miranda* opponents also contend that *Miranda* greatly strengthened the position of defendants in plea bargaining: In the wake of the ruling, a much higher proportion of guilty pleas were to reduced charges.

There may be other variables that partly explain these changes. (For instance, the lower rate of clearance for violent crimes may have had something to do with higher crime rates and overburdened police departments.) Nonetheless, Cassell seems to have made a pretty solid dent in the conventional wisdom that *Miranda* has not hampered law enforcement. Of course, even if his interpretation is absolutely correct, one could argue that this is a fair price to pay for protecting the rights of the accused. But how well does *Miranda* do that?

Randy Barnett, a Boston University law professor and author of *The Structure of*

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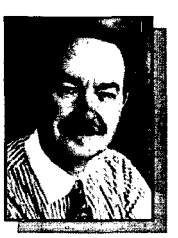
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Liberty: Justice and the Rule of Law (1998), believes that *Miranda* was instrumental in changing police culture: "Perhaps even more important than the effect the warnings have on suspects, they have a profound effect on those who repeat them day in and day out. They remind [the police] that suspects have rights that need to be respected."

Other *Miranda* supporters, however, are far less sanguine. Protections for suspects' rights, they argue, are commonly seen as hurdles to get around. While *Miranda* rules ban any questioning after the suspect has invoked his rights, the courts give police great leeway in the tactics that can be used once the suspect waives them. Indeed, the police are even free to lie about evidence to facilitate confessions. For example, in 1994, New York's highest court upheld the conviction of Martin Tankleff, who, at the age of 17, confessed to murdering his adoptive parents after being interrogated for hours and being told that his dying father (who, in fact, was found dead) had named him as the killer.

Tankleff now maintains that his confession was a lie caused by psychological manipulation at a time of extreme stress. His case is one of 29 in which, according to a 1998 article in the *Journal of Criminal Law and Criminology* by University of California at Irvine criminologist Richard A. Leo and UC-Berkeley sociologist Richard J. Ofshe, innocent people have been convicted of serious crimes because of false confessions. While Leo and Ofshe's claims about the innocence of some of these defendants have been challenged, at least nine indisputably confessed to crimes they hadn't committed. In addition, there are dozens of known cases in which people were browbeaten into confessions and eventually exonerated before going to trial—but not before spending months in jail.

Consider, for instance, the 1991 case in which Arizona factory worker Leo Bruce confessed to killing nine people at a Buddhist temple near Phoenix. After 13 hours of questioning, Bruce confessed and implicated two friends, who in turn confessed. A few weeks later, however, the three were released after the real killers were caught with the murder weapon. (It also turned out that Bruce's "accomplices" had been in jail during the massacre.)

How can someone confess to a crime he didn't commit? The people caught up in these situations tend to be socially marginal, uneducated, and not very smart. They may feel that they won't be able to clear themselves regardless of their innocence and might as well get it over with. Ironically, the innocent may be the least likely to avail themselves of the right to remain silent and the most likely to let their guard down. The *Miranda* warning may even help lull them into a false sense of security by reassuring them that the police will treat them fairly.

Is there, then, too much concern for procedural correctness when it comes to confessions, or too little protection from coercion? In fact, both criticisms are valid. A cynic might even suggest that the real reason some people in law enforcement profess devotion to *Miranda* is that as long as the formalities are observed, the circumstances of confessions aren't examined too closely.

If *Miranda* is reversed, some observers fear a return to once-common police abuses (such as questioning suspects for hours on end without food, water, or bathroom breaks). Others say that not only will such outright coercion still be outlawed, but the practice of advising suspects of their right to remain silent and to have an attorney will survive. Even a *Miranda* foe like Cassell favors preserving these warnings—though he would do away with the requirements that the suspect must explicitly waive his rights before he can be questioned and that all questioning must stop if he utters the word "lawyer." Any law that supplants *Miranda* will have to offer some safeguards against forced confessions; in fact, whether the defendant was read his rights is one of the criteria set down in U.S. Section 3501 for determining if a confession was voluntary, though failure to give such warnings would not automatically invalidate a confession.

The courts give the police great leeway if a suspect has waived his *Miranda* rights. The cops are even free to lie about evidence.

Beyond whatever procedural protections are at play, however, there are other effective ways to prevent police coercion. The justices who issued the *Miranda* ruling were troubled by the fact that "interrogation still takes place in privacy," resulting in "a gap in our knowledge" as to what happens. Thirty-four years later, this gap can be easily filled with a camcorder, allowing judges or even juries to decide if a confession was tainted by coercion or deceit. Already, at least 2,400 police and sheriffs' departments nationwide (about 15 percent of the total) audiotape or videotape not only confessions but interrogations; videotaping is required by law in Alaska and Minnesota. In 1997 in Alaska, Richard Bingham was acquitted despite confessing to a rape and murder: On tape, jurors saw that Bingham, who suffered from alcoholic blackouts, confessed to the crime but kept missing all the cues the interrogators fed him as they steered him to the correct details.

The value of recording interrogations is one point on which the Washington Legal Foundation's Cassell and UC-Irvine's Leo agree, despite holding radically different views on issues from the *Miranda* rule to the frequency of wrongful convictions. Cassell hopes that repealing *Miranda*—which, he says, has "petrified the law of pre-trial interrogation"—will give states an incentive to mandate videotaping.

With a Supreme Court decision likely by June, we may find ourselves living in that post-*Miranda* world in short order. But whether the high court upholds or strikes down those rules, the videotaping of confessions and interrogations—and arrests for that matter—would inject some much-needed common sense into the system. It might even bring closer the elusive ideal of the legal process as a search for truth. ◆

Contributing Editor Cathy Young (CathyYoung1@cs.com) is the author of Ceasefire: Why Women and Men Must Join Forces to Achieve True Equality *(The Free Press).*

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Walter Olson

Office Managers

OSHA's retreat from its bid to regulate home workplaces sets a subversive precedent.

In late January the Occupational Safety and Health Administration announced, as *The New York Times* put it, a "clarification" meant to dispel "confusion" about its policies. Contrary to earlier reports, the agency had decided that federal law did not require the homes of the nation's 20 million telecommuting employees to be free of such hazards as inadequate lighting, dangling power cords, ergonomically incorrect seating, rickety stairs, and drafty or stuffy ventilation conditions.

Accordingly, OSHA would *not* expect the nation's employers to carry out periodic inspections of their workers' home offices, or obtain from them checklists certifying that the employees' dens and basements were safe. Nor would employees who placed the occasional work-related phone call or sent the occasional e-mail message from home on evenings and weekends, or brought a spreadsheet home to work on while tending a sick child, be expected to map out emergency evacuation plans for their homes, keep OSHA-approved fire extinguishers and first aid kits on hand, or mount posters in their hallways to remind themselves of their right to a safe workplace.

Readers could be excused if their heads spun at the idea that all this could count as a mere "clarification" by the agency. A better description would be "abject, tail-between-its-legs retreat." Only two weeks earlier, a front-page story in *The Washington Post* had publicized an agency directive decreeing that businesses were indeed responsible for making sure that their employees' home work sites were free of federal safety violations. But by the time OSHA Director Charles Jeffress got done clarifying agency policy, you might have thought it was the nation's employers who'd been threatening to wrap home offices in red tape, and OSHA that had been waging a gallant fight against such a prospect. The "bottom line" for his agency, Jeffress said, had "always been" the same: "OSHA will respect the privacy of the home and expects that employers will as well."

What had actually taken place, of course, was a crash exercise in that time-honored Washington art, getting a story off the front pages. It more or less worked: News coverage practically ceased once the agency disclaimed an intent to regulate. But the agency's home office directive was no mere frolic by low-level staffers. It sprang from deep philosophic roots in the federal labor law we live under, and the premises of that law, inherited from the New Deal, unfortunately have not changed. Which means there's no principled reason for OSHA to stay out of this area in the future.

For most of this century, fights over "industrial homework" mostly arose from the activities of embroiderers, glove makers, and others on the margins of the American economy. Until the 1980s, only two groups in public life really seemed to care deeply about the homework issue: organized unionists, who wanted to ban it, and libertarians, who wanted it made legal. Both groups sensed what few others did: Far more was at stake in the practice than its economic importance at the time might have suggested.

Homework in the old-fashioned needle trades had long been an appealing option for many women, especially in rural and immigrant communities. Many already exercised the relevant skills; language barriers were of small importance; the pace of work could be fit around family responsibilities; and piecework for a commercial distributor was likely to provide more steady and lucrative employment than blouse and wedding gown projects for friends and family. But garment unions were determined to stamp out the practice, and their influence helped win passage of the New Deal–era Fair Labor Standards Act. This law authorized the federal government to ban homework, which it soon did with regard to a series of garment trades. Since the economic logic of the practice did not go away, constant vigilance and repeated crackdowns were needed in the ensuing decades to suppress such menaces to society as at-home knitting, tatting, and plush animal stitching.

Libertarians vocally opposed these laws as an infringement on individual rights. By

JUST 'CAUSE OSHA SAYS HOME OFFICES HAVE TO BE UP TO WORKPLACE STANDARDS, DOESN'T MEAN YOU GET TO HAVE AN INTERN HERE...
THE CLINTONS
N.Y.
MIKE LUCKOVICH ATLANTA CONSTITUTION

MIKE LUCKOVICH

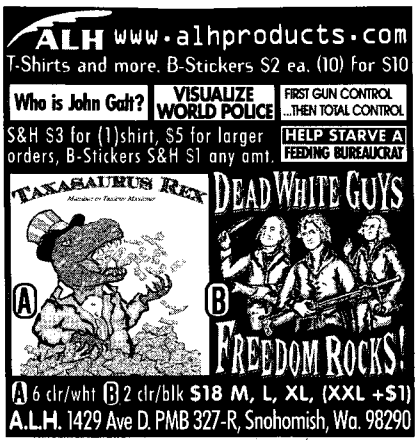
what principle, exactly, had it become unlawful to sit in one's own home and carry on a peaceful, productive economic activity? And the sporadic crackdowns were nearly always bad news for the workers themselves, who were often either unable or unwilling to take up the unionists' implicit let-'em-punch-time-clocks suggestion of going to work in factories. A late-1970s crackdown on Vermont companies that distributed sweaters knitted in private homes, for example, wiped out the jobs of hundreds of retirees and other local residents for whom factory work was hardly a plausible substitute.

Moreover, like other measures directed at controlling consensual private activity, the homework law tended to bestow on authorities disturbingly intrusive powers. In his 1994 book *Lost Rights* James Bovard writes that New York City kept a staff of 40 investigators to snoop for violations of its homework regulations—this at a time when the city was having trouble protecting its citizens from genuine crimes. "What we do is send out our investigators on surveillance," said one official. "If our investigators identify someone they feel is a likely homeworker, then they merely follow that person to where they may go....If it is in a manufacturing area and you see a person carrying a well-worn shopping bag, and particularly if there are several people doing that, going in, the chances are quite good that it is going to be homework when you get in there." Hardened perps in the home knitting racket presumably could also be identified by their tendency to carry around with them long needles and wicker baskets for the concealment of their contraband.

The actual welfare of the workers ostensibly being protected was often of secondary importance. 'I am very concerned that [by tolerating homework] we are going to increase the lack of payment for unemployment insurance, worker's compensation, Social Security, city, state, and federal tax," a New York official told a congressional committee. "These people are not only engaged in exploiting workers but exploiting everybody else connected to [them] by means of these various programs that they escape."

Preventing "escape" was a key consideration for unions as well. "Traditionally, unions have opposed telecommuting/work-at-home programs because they fear that such programs represent a return to cottage industry piecework," explains one union-sympathetic Web site, Telecommute America. "A distributed workforce makes it more difficult for unions to organize, represent members, and police collective bargaining agreements."

As recently as the 1980s, the AFL-CIO was calling for at least a temporary ban on telecommuting. A 1991 booklet issued by the Coalition of Labor Union Women, as summarized by an article in *Telecommuting Report*, warned: "Homework makes it hard to develop the kind of solidarity among employees which naturally occurs in a workplace....Many home-based computer workers are treated as independent contractors. Independent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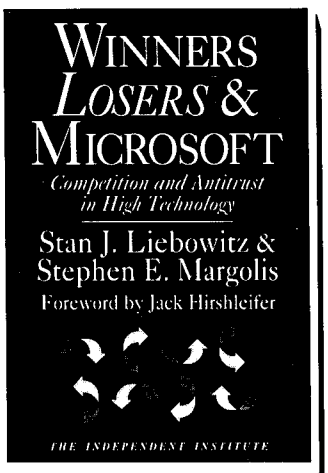
Antitrust vs. Competition?



Few issues in high technology are as divisive as the debate over competition, innovation, and antitrust. Why do certain products and technologies become dominant while others fail? Will the robust competition and technological advances of the past two decades continue? Or, will they be suffocated by larger firms employing monopolistic practices? Is antitrust primarily employed against monopolies to increase competition to benefit consumers, or is it actually a vehicle that firms use against rivals to restrict competition?

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contractors cannot be organized into unions." Similarly, Communications Workers of America President Mort Bahr said that allowing home employment was dangerous "particularly if that worker wants to work at home."

It's hard to imagine how different the American economy would look today had telecommuting been suppressed by force of law. While unionists didn't succeed in that goal, they did have every reason to expect that Washington would back them in the lesser objective of making sure that home-based work was regulated at least as stringently as centralized workplaces; that the government, as opposed to (heaven forfend!) individual workers themselves, would decide what working conditions were tolerable; and that talk of "privacy" and "worker choice" would be dismissed as irrelevant special pleading concocted by employers. Such premises had, after all, gone unchallenged for years in the hermetic world of "industrial relations."

Still, OSHA did not have to state its views for the record until 1997, when a Houston credit manager asked for guidance as to what, if anything, he was legally obliged to do about the safety of salespeople who worked for his firm out of their homes. The agency took two years to respond to his request, and there's no indication that its response was in any way whimsical. Indeed, OSHA considered the letter, signed by Richard Fairfax, director of compliance programs, to be a declaration of existing policy rather than a new departure.

The letter explained that when an employee works at home, the employer "is responsible for correcting hazards of which it is aware, or should be aware." *Should be aware*, of course, was the operative phrase: "Employers should exercise reasonable diligence to identify in advance the possible hazards associated with particular home work assignments, and should provide the necessary protection through training, personal protective equipment, or other controls appropriate to reduce or eliminate the hazard." Moreover, employers were responsible for ensuring that equipment used in the home office was safe and ergonomically appropriate. Would all this require employers to conduct on-site inspections? "In some circumstances," yes, the agency said.

OSHA officials seemed much surprised when, after a couple of months' delay, the papers got hold of this letter—which was posted on the agency's Web site under the heading "OSHA policies concerning employees working at home"—and ran it as big news. True to form, unionists defended the agency. The new directive "makes sense," said Peg Seminario, the AFL-CIO's health and safety director. "Employers have to provide employees a workplace free from hazards."

Two University of Virginia academics, women's studies professor Eileen Boris and labor historian Nelson Lichtenstein, wrote in the *Los Angeles Times*: "When today's computerized homebodies find themselves with a pain in their wrist, fatigue in their neck or a crick in the lower back, the cause is remarkably similar to that of their sweatshop ancestors: inadequate equipment, self-exploitation and overwork." Boris and Lichtenstein attributed criticism of the directive to the tendency of "today's Internet capitalists to denounce even the most timid government efforts to regulate such work"—blithely ignoring the fact that telecommuters themselves, and not just their bosses, were up in arms about the directive, and the fact that relatively few home office workers are in fact employed by "Internet capitalists" (most are in more traditional lines of work).

There's something deeply subversive in the notion that individuals might be trusted to cope with the hazards to be found in their file cabinets and laser printers.

From everyone else, the reaction was a more or less uniform hail of dead cats. "This is nuts," said Pat Cleary, vice president of the National Association of Manufacturers. Editorial page brickbats descended from the Hartford *Courant* ("Bureaucrats Gone Berserk") and the *Dallas Morning News* (OSHA "once again has emerged as a poster child for a federal bureaucracy run amok"), among others. "This is one of those regulatory rulings that sets liberalism back a generation," wrote Matthew Cooper at *Slate*'s "Breakfast Table." Even a spokeswoman for House Minority Leader Richard Gephardt (D-Mo.) said the directive "seemed excessive."

Equally important in forcing the agency's hand, perhaps, was the reaction of employers—not what they said, but what they did. When the letter hit the front pages, reports *The Washington Post*, "A number of companies immediately put on hold plans to expand telecommuting privileges to employees." *The National Law Journal* reported that FINOVA, a financial firm that had made a list of the nation's best employers, intended to reassess its work-at-home program in light of the OSHA directive. In other words, the effort to assign employers more legal responsibility was making them less willing to permit telecommuting at all.

In its retreat, OSHA salvaged what it could for its union constituents: It insisted that manufacturing activities conducted at home would still come under its jurisdiction. This represented another reversal: Earlier, OSHA had denied that there was any legal significance to the distinction between blue- and white-collar work.

There's something deeply subversive, however, in the notion that individuals might actually be trusted to cope by themselves with the hazards to be found in their file cabinets and laser printers. Before long, they might feel competent to manage even more dangerous parts of the house, such as the kitchen and garage. When people work at home, you can see the level of safety they actually demand when they're in charge—and their standards are often rather more relaxed than the one OSHA imposes on businesses. Who knows where that realization might lead? In the meantime, perhaps we can enjoy a respite from the oft-heard refrain that the AFL-CIO's legislative agenda defines what's "progressive," while libertarian principles are a relic of the 19th century.

Contributing Editor Walter Olson (wo@walterolson.com) is a senior fellow at the Manhattan Institute and the author of The Excuse Factory: How Employment Law Is Paralyzing the American Workplace.

Has Compassion Gone Astray?

by Jacob G. Hornberger

As part of his presidential campaign theme of "compassionate conservatism," Texas Gov. George W. Bush recently announced nearly $500,000 in state-financed grants to Christian groups in Texas. "America will be changed because people of faith and good heart are willing to help people in need," Bush said. "I believe rallying the armies of compassion, thanking the soldiers in the armies of compassion, is the next bold step in welfare reform."

Bush failed to explain, however, exactly who are the saints in the grant-making process — the state legislature, tax collectors, judges, sheriffs, the taxpayers, or the governor himself.

Here's how the system works. The state of Texas imposes sales and property taxes on the people of Texas. These taxes are not voluntary. For example, if a person refuses to pay his property tax, the state effects recovery of the tax by foreclosing a tax lien on the person's property. If the property owner continues to refuse to pay the tax, his property is sold at a foreclosure sale, and a state judge issues a writ of possession to the new owner. Law-enforcement officials serve the writ on the now-former owner and force him to vacate the property. If he refuses to vacate and instead decides to resist forcibly, he most likely will find himself in the hereafter for "resisting arrest."

When Governor Bush uses tax monies to assist Christian groups, is he acting compassionately? All that he has done is distribute money that the state has forcibly taken from other people. How does that make the governor a compassionate person? Doesn't compassion connote the willing use of one's own money for benevolent purposes?

What about the members of the Texas legislature? Does their mere enactment of sales or property taxes convert them into compassionate people?

Tax collectors, judges, and law-enforcement personnel? Does their use of force to recover the taxes entitle them to share in the collective compassion?

What about the Texas people? Since they paid the taxes, are they entitled to claim a pro rata share of the collective goodness? What about those who didn't like paying their taxes? Are they nevertheless to be considered soldiers in Governor Bush's army of compassion?

Let's ask a different question: Can Governor Bush's conduct be reconciled with religious principles?

Suppose a thief robs you of your money and tells you that he's donating the money to a local church. Wouldn't you still consider him a thief even though he was helping Christians with the money he had stolen from you? Wouldn't you still expect him to be criminally prosecuted for the robbery?

What church pastor, knowing that the money had been stolen, would accept it? Wouldn't ministers refuse the money and advise the thief to return it to its proper owner?

Is the process different, in moral terms, when Governor Bush assists people with the money that has been taxed from the people of Texas?

The Christian who supports and participates in this process must ask himself some uncomfortable moral questions. Is it morally permissible to use the force of the state to take money from a person to whom it belongs in order to give it to another person? Can a private act of immorality be converted into a moral deed simply by making it legal? Is the Christian who supports this process actually sanctioning a violation of Christian principles rather than participating in a charitable process?

How can compassion mean anything unless it comes from the willing heart of an individual? If a person is forced to commit an act of kindness, how can he truly be considered to have acted compassionately? For that matter, doesn't God's great gift of free will entail the right to say "No" — the right to reject one's neighbor?

How can the conscience of an individual be expected to develop when decisions on whether to love one's neighbor or not are made at the ballot box and as part of the political process?

Modern-day political campaigns provide politicians with the opportunity to garner votes by being charitable with the tax monies that have been forcibly extracted from the citizenry. Why not separate compassion and the state and restore moral decision-making to individuals?

Mr. Hornberger is president of The Future of Freedom Foundation, publisher of ***Your Money or Your Life: Why We Must Abolish the Income Tax*** *by Sheldon Richman.*

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Network Drama

By Steven R. Postrel

Winners, Losers, and Microsoft: Competition and Antitrust in High Technology, by Stan J. Liebowitz and Stephen E. Margolis, Oakland, Calif.: The Independent Institute, 288 pages, $29.95

Any truthful history of the intersection between scholarship and public policy must resemble a tragicomedy. Usually, the scholars and their government disciples present the comic spectacle, while the public gets to play out the tragedy (see, for example, the misuse of systems analysis in the Vietnam War), although sometimes there is enough tragedy to go around, as in the fate of geneticists under Stalin. Good ideas, such as school choice, move tortuously through a hostile political process, while bad ideas, such as treating statistical representativeness as the sine qua non of nondiscrimination, are enshrined in law and practice.

Or look at the Justice Department's antitrust suit against Microsoft. The government complains that Microsoft has a monopoly on personal computer operating systems, a monopoly which it has abused to stifle innovation and to maintain its dominant position. The intellectual roots of these arguments are hard to disentangle. In many respects, they seem no different from the sort of predation and bundling complaints to which market leaders such as IBM have been subjected in the past.

But underlying the government's willingness to sue and vilify Microsoft is a belief that its current dominance is in some sense undeserved, that its products have succeeded through a combination of luck and deviousness, not because they gave buyers a better combination of attributes and price. This belief, or at least suspicion, has received considerable nourishment from an economic theory that burst into scholarly prominence in the mid-1980s. According to this theory, markets for high-technology products, where issues of technical compatibility matter a great deal to users, are particularly subject to the risk of choosing the wrong product from a set of mutually incompatible rivals.

Stan J. Liebowitz and Stephen E. Margolis' *Winners, Losers, and Microsoft: Competition and Antitrust in High Technology* is an all-out attack on the intellectual and empirical basis for this claim, with particular application to Microsoft's role in the software market. In a nutshell, Liebowitz, a professor of managerial economics at the University of Texas at Dallas, and Margolis, a professor of economics at North Carolina State, say that while it is logically possible for markets to pick inferior products, there should be a strong theoretical presumption that it doesn't happen; that often-cited examples of the phenomenon fall apart upon closer examination; and that a detailed study of the PC applications market shows that Microsoft has achieved dominance when and only when its products were rated superior by third-party observers. These conclusions position the authors as the leading academic defenders of Microsoft, a role in which they are almost certainly more effective than the company's paid experts.

The basic idea behind the claim that markets may get it wrong—that buyers may find themselves purchasing products that they themselves perceive as inferior to alternatives—is fairly simple: For some kinds of products, the value of the product to the user increases with the number of other people who own a compatible version. Such "network effects" are easiest to see with a product like the telephone, where no one would buy the service unless there were someone else to talk to. But they may also be important for products like computer operating systems, whose users may want to share files, answer each other's questions, and have access to a wide array of complementary products such as applications software.

So the comparative value of two incompatible products for a particular user depends *both* on what the user thinks about the intrinsic attributes of the two products compared to their prices *and* on how big the user expects the network size of each product to be. It is logically possible for those comparisons to point in opposite directions (i.e., the product that looks like it offers better quality for the money is expected to have a smaller network) and for all users to rationally choose the product that is intrinsically inferior but expected to be more popular. The problem is one of coordination among the users; if everyone thinks that a given product is going to be the winner, even if they're all unhappy about it, that product can indeed become the winner.

But why would people expect an intrinsically inferior product-price combination to win? Here is where a second idea, "path dependence," comes in. Path dependence means that history matters; in this case, if the inferior product gets out on the market first, or acquires a sizable user base first, then it may get a leg up on its superior rival that "locks in" its dominance.

The archetypal example, cited by nearly all adherents of the lock-in hypothesis, is the standard typewriter keyboard, whose QWERTY layout is supposedly vastly inferior to alternatives that were developed later. In a famous 1985 article in *The American Economic Review*, Stanford University economist Paul David argued that the Dvorak alternative keyboard had been proven to be superior to QWERTY, that the gains from switching keyboards were large, but that the ubiquity of the QWERTY format deterred people from learning the Dvorak format. Liebowitz and Margolis' convincing refutation of these claims, first published in 1990 in the *Journal of Law and Economics*, is reprinted in *Winners, Losers, and Microsoft.*

Probably the second-most trotted out example of lock-in by path dependence is

the videocassette recorder war between the VHS and Betamax formats. "Everybody knows" that Betamax was superior but VHS wound up dominating the market due to some early good luck in the marketplace. Liebowitz and Margolis' analysis of this episode is the polemical equivalent of intercepting a pass and returning it for a touchdown. Most devastating is the simple fact that Sony had Betamax out on the market for two years before VHS even got there, so path dependence seems an unlikely explanation for VHS's success. In addition, VHS cassettes' significantly longer recording time provides a simple explanation for the format's success, while Beta's supposed advantage in picture quality turns out to be another myth, if independent technical experts and *Consumer Reports* are to be given any credibility.

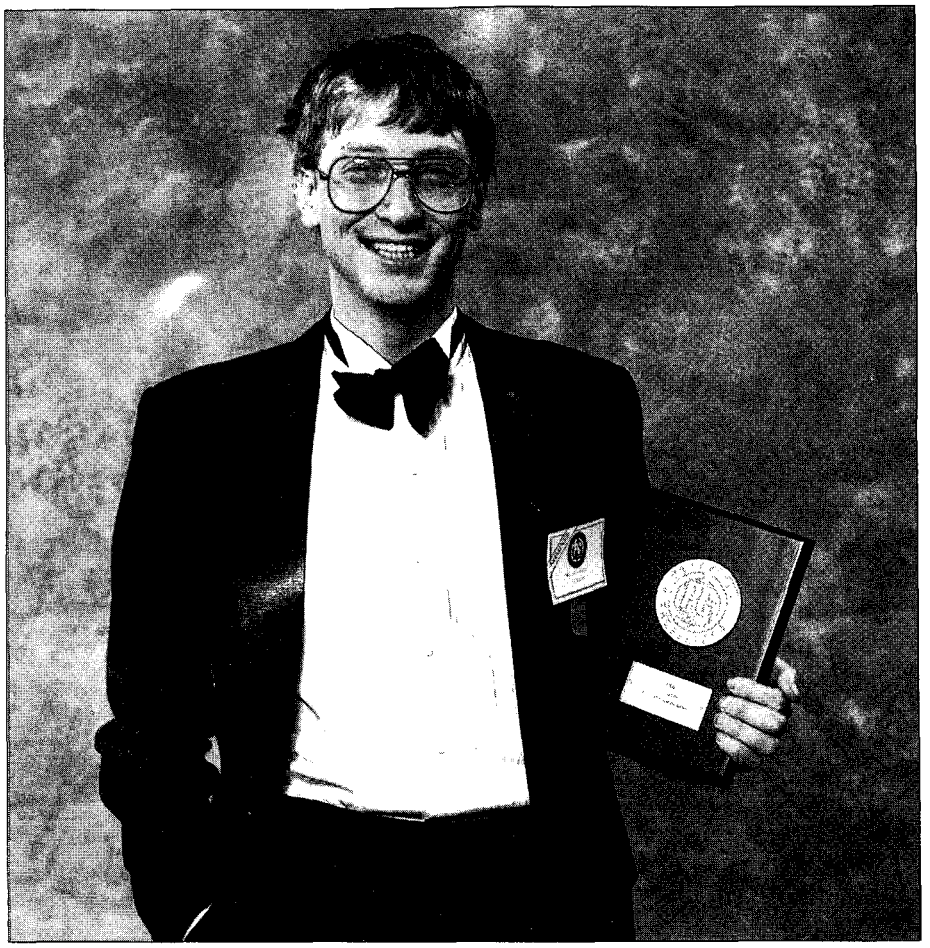
Liebowitz and Margolis do more than simply explode these just-so stories of market failure. They explain why the mathematical models are too pessimistic about the behavior of markets for network technologies: The models do not allow actors the same degree of freedom they have in the real world.

To make the mathematics tractable, the "strategy spaces" allowed the firms and users in these models are usually fairly restrictive: There is typically no scope for offering guarantees, disseminating messages through various media, price discriminating between new and replacement purchasers, and so on. But a firm with a superior product has a strong incentive to take such steps if they will shift user expectations of market success toward its own standard and away from its rival's. Moreover, the greater the harm to consumers if they coordinate on buying the wrong product, the greater the potential profit for an entrepreneur who can fix the problem. The models' simplifying assumptions about seller behavior, which rule out the possibility of sellers' taking corrective actions, therefore bias the models' predictions toward finding more market failure than should really occur.

The part of the book most likely to stir controversy is its examination of PC software markets. Looking at word processors, spreadsheets, personal finance software, desktop publishing, browsers, and online services, Liebowitz and Margolis compare products' market shares to the quality ratings these products received from computer magazines. In each case, they find that Microsoft's products captured the largest sales only after those products received superior quality ratings; when Microsoft's ratings lagged its rivals' (as in personal finance and online services), so did its market share. (This pattern holds true for other firms' products as well.) Furthermore, prices were lower when Microsoft was dominant than when other firms led the market.

In all product markets, there was a pronounced tendency for the highest-rated product to grab the vast majority of the market very quickly. Liebowitz and Margolis refer to this phenomenon as "serial monopoly" and suggest that the software market is, if anything, even more frictionless in responding to quality differences than other markets, because a firm with a better offering can almost instantly ramp up production to satisfy the whole market (a feature they call "instant scalability"). Firms, in this view, are held back only when they can't come up with a competitive product. Hence, VisiCalc did a poor job of adapting its product to the DOS operating system, allowing Lotus 1-2-3 to dominate; Lotus lagged in adjusting its product to the Macintosh operating system and to Windows, allowing Microsoft Excel to take over.

There is an alternative interpretation of this pattern, however. Perhaps each new operating system presents a window of opportunity for new products, with the first firm to come up with a suitably adapted piece of software able to seize an advantage it never relinquishes. In this view, the leader's product is never challenged again, in either market share or the quality ratings of magazines, because the lagging firms recognize that a locked-in



Vilified Bill: Does Microsoft dominate for good reason?

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market will not switch programs even if they invest in product improvements. Microsoft critics would go on to argue that the company deliberately deceived its rivals into working on products adapted to OS/2, its joint operating system project with IBM, before abandoning OS/2 and instead pushing Windows, so that its "inside information" enabled it to get to market first.

More basic than this debate between the "frictionless serial monopoly" and "lock-in" interpretations is the question of whether the relevant markets should be expected to display network effects in the first place. Most word processors, for example, can read files created by other programs. The cost of learning to use a new word processor is not that great, and most users are familiar enough with these products not to need that much help. Given these conditions, it is not clear that this market presents a very good test of network lock-in theory.

In other words, if Liebowitz and Margolis' interpretation of the data is correct, does that mean that network theory is not applicable to these markets, or does it mean that the theory is applicable, but its unrealistic restrictions on entrepreneurial behavior cause it to make false predictions? If the latter, what business strategy not included in the network models leads to the observed result? For polemical purposes—get your stinking Justice Department off my spreadsheets!—the answers might not matter, but from the standpoint of understanding high-tech markets they seem crucial. The same concern applies to the Betamax-VHS battle: Was Sony's failure to lock in the market a sign that network effects are unimportant in the case of VCRs, or proof that they can be overcome by entrepreneurial creativity? Does Liebowitz tell his managerial economics students that network effects are mostly a myth and should be ignored, or does he coach them on how to overcome them if they have a superior product starting from an inferior market position?

An important lesson to be learned from episodes of standards competition is that the outcome depends not simply on management's ability to create superior products but also on its skill at planning production capacity, setting prices, choosing marketing techniques, and so on. A strong argument can be made, for instance, that the Macintosh operating system did not fail to become the dominant standard because of its intrinsic technical drawbacks, as Liebowitz and Margolis claim in a surprisingly casual treatment. Rather, Apple's management team didn't understand the importance of network effects and therefore overpriced the product, underpromoted it to business users, and failed to expand hardware production capacity sufficiently.

Jim Carlton's meticulously reported 1997 book *Apple: The Inside Story of Intrigue, Egomania, and Business Blunders* includes a 1985 memo to Apple CEO John Sculley from none other than Bill Gates, at that time dependent on selling Macintosh applications software for a large chunk of his profits. The memo recommends that Apple allow other manufacturers to produce the Mac, so that Apple would "have the independent support required to gain momentum and establish a standard." Gates' advice was rejected, with the results for Apple that we see today: It has about 3 percent of the worldwide PC market. A world where network effects are pervasive may be a world of men, not laws, as far as technology choices are concerned.

Winners, Losers, and Microsoft throws cold water on the idea that markets routinely pick inferior technologies. It also confronts the difficulties of applying scholarship to policy.

One of the bizarre aspects of Liebowitz and Margolis' book's reception was a September 17 *New York Times* report that the publisher, The Independent Institute, had received more than $200,000 from Microsoft without trumpeting the fact. Even though the *Times* reported that the authors had no idea of their publisher's funding arrangements, the article strained to leave the impression that the "secret" funding somehow called into question the validity of their research. REASON's readers will find the suggestion particularly amusing, since the authors presented their views on the economic issues relevant to the Microsoft case in these pages several years ago (see "Typing Errors," July 1996). In fact, a little research by the *Times* would have shown that the authors first published their views back in 1990.

If the book's publisher is guilty of anything, it is failing to provide better editorial guidance. Three of the first five chapters, which are primarily theoretical, are put together from a number of the authors' previous writings and don't relate very well to the empirical analysis of software markets. And rather than present a coherent point of view about the importance of network effects and the appropriate assumptions to make in modeling different sorts of markets, Liebowitz and Margolis engage in what debaters call "straight refutation," meaning a strategy of objecting to every assertion made by an opponent without regard to the internal consistency of one's own position.

Thus, the book repeatedly criticizes the lock-in models for assuming that consumers behave myopically in choosing technologies to buy, picking the current leader rather than anticipating that everyone might be better off with a newer, currently less popular alternative. But many of these models feature consumers who are not only forward-looking but correctly predict the market equilibrium; it is Liebowitz and Margolis whose formal models assume that consumers are completely myopic, looking only at current market share in deciding which network to join. Similarly, the book equivocates about whether software markets constitute natural monopolies, questioning the idea in the first chapter and proclaiming it in the last. The theoretical sections make a point of distinguishing between "fixed" and "flexible" standards, with the latter evolving and not being subject to lock-in, but the authors never apply these ideas in their empirical analysis of software, even when those programs feature quite a bit of backward compatibility between new and old versions.

These flaws aside, *Winners, Losers, and Microsoft* serves a useful purpose not

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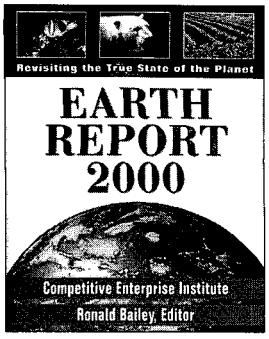

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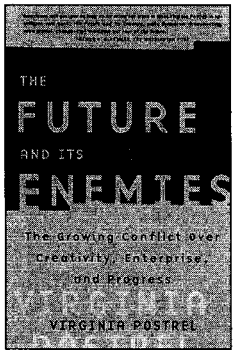

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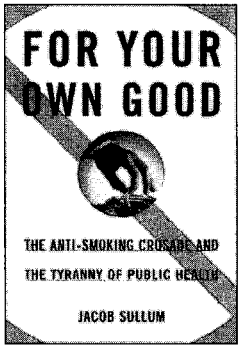

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merely in throwing cold water on the idea that markets routinely pick inferior technologies and in providing the first thorough summary of what really happens in software markets, but also in forcing the reader to confront the difficulties of applying scholarship to public policy. The authors make a compelling Hayekian argument that if scholarly analysis of voluntarily adopted institutions and practices seems to reveal opportunities to improve matters through regulation, the odds are that something important was left out of the analysis. Too bad that the antitrust tragicomedy seems to be proceeding heedless of this wisdom. The show, it seems, must go on.

Steven R. Postrel (spostrel@aol.com) is a lecturer at the Graduate School of Management at the University of California at Irvine.

One-Track Mind

By Brian Doherty

The Big Test: The Secret History of the American Meritocracy, by Nicholas Lemann, New York: Farrar, Straus, and Giroux, 406 pages, $27.00

Molly Munger graduated from Harvard Law School in 1974, a member of the school's first class that was more than 10 percent female. She was atypical at Harvard for another reason, too: She had grown up in Southern California. In *The Big Test,* Nicholas Lemann uses Munger as an example of what he calls the new "American meritocracy." According to Lemann, an excellent reporter and former staff writer at *The Atlantic,* this group consists of those who succeed based on their "aptitude," as measured by standardized tests, without being held back by such 19th-century standards as breeding, inherited money, or religion.

Munger certainly fits Lemann's bill. Though her father ended up quite wealthy as a top lieutenant to super-investor Warren Buffett, she was raised comfortably middle-class by her mother and stepfather. She was smart, succeeding well enough in high school and at Radcliffe to get into Harvard Law despite being a woman and a non-New Englander. She was motivated after graduation, too, and eventually became a partner in the L.A. office of the prestigious law firm Fried, Frank, Harris & Shriver.

But even as she was living out an upper-class American dream, she wasn't satisfied. Her experiences mentoring disadvantaged young black girls made her wonder how she could stand to benefit so much from a system that still let race and poverty stand in the way of merit. Success in a culture as rotted as ours, she concluded, was a meaningless distinction, one better rejected than embraced. So after nearly 20 years as a standard legal eagle, she quit her lucrative job and entered the affirmative action battlefield, as a lawyer for the NAACP's Legal Defense Fund.

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UNITED FEATURE

HENRY PAYNE

Lemann makes much of Munger's midlife crisis. For him, she personifies one of the ironies of the meritocracy envisioned by Harvard President James Bryant Conant in the 1930s. Conant, one of the central characters of Lemann's book, reformed Harvard's scholarship policy, changing the place from essentially a finishing school for fancy lads to the academic powerhouse it is today (it was only in the 1960s that Conant's revolution fully triumphed throughout the Ivy League).

Conant thought that everyone atop the new meritocracy would do immediately what it took Munger 20 years to get around to. That is, he expected them to emulate the "Episcopacy," Lemann's term for the quasi-aristocratic gaggle of Episcopalian "good families" who comprised proper society and dominated America's elite institutions before World War II. Conant assumed that his meritocrats, not content to enjoy the benefits of their positions, would act like a *moral* elite as well, reforming a truculent society that wasn't as good as it ought to be. He especially expected them to go into government and the law, where their talents would have the greatest uplifting effects.

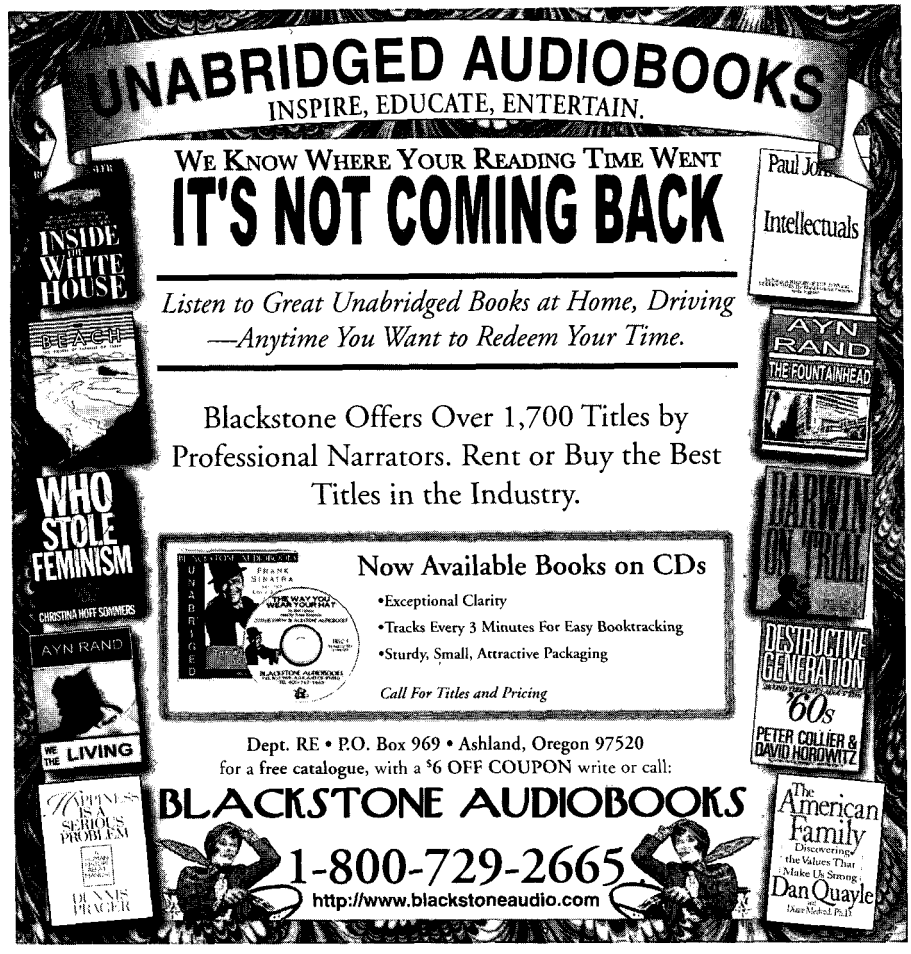
But most of the meritocrats, like Munger in the beginning, took the perks and ran, seeking the time-honored American prerogatives of success for themselves and their families. They've proven comfortable with letting the commonweal take care of itself. Pace Conant, America is the better for it. More overall wealth and progress comes from smart young men

and women entering the world of business and seeking their fortune there than from further clogging the corridors of government and law, whose denizens mostly place barriers in the path of achievement.

Lemann's book is subtitled "The Secret History of the American Meritocracy." The "secret history" in question lays out in detail just how Conant and his right-hand man, Henry Chauncey, transformed the Ivy League from relatively mediocre schools more concerned with social connections than with smarts into academic powerhouses with diverse student bodies. Their primary weapon was the SAT, the "big test" of the title. With smooth segues all the way, Lemann tells the story of the SAT and the personal stories of Molly Munger and others from the first generation to benefit from the Ivys' more open admission policies. The book concludes with some inspired political reporting on the fight over California's Proposition 209, which ended affirmative action in admissions to state colleges there. Lemann's topic is probably too big—he raises more questions than he has space to answer—but his book is interesting throughout.

In the 1930s, Conant and Chauncey began to shake up the Ivy League's ossified order by admitting more of the "wrong people"—initially just Midwesterners, but later Jews, Catholics, and Southerners. Both men believed in a natural aristocracy of educational talent, and neither could swallow the notion that it could all be found among rich Episcopalian boys from New England. In 1934, the pair found their revolutionary weapon: the exam then known as the Scholastic Aptitude Test. The SAT had been developed in 1926 by Carl Brigham, a psychometrician with an interest in eugenics; it was an immediate descendant of the infamous Army IQ tests of World War I, which Brigham had worked on and which, to his mind, gave scientific support for prejudices against Jews, blacks, and Southern and Eastern Europeans.

The SAT was no overnight success, but by the 1970s it was the dominant admissions consideration for colleges that needed a way to weed out large numbers of applicants. This is a smaller set than widely perceived. While the test looms large in the public's consciousness, most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students attend colleges where test scores and even high school grades do not matter much. Indeed, fewer than 100 four-year colleges—out of more than 2,200—reject more than half their applicants.

Henry Chauncey was far more dedicated to standardized testing in general than to the SAT in particular. That's one reason why the Educational Testing Service—the hugely successful nonprofit he founded in 1947 and which still writes and sells the SAT—peddles a wide range of other psychometric wares, ranging from professional licensing tests to the National Assessment of Educational Progress. Chauncey believed standardized tests could accurately measure creativity, and he was suitably impressed by one test maker's asserted ability to apply his psychological testing theories to winning horse races.

Chauncey retired from ETS in 1970, and with him went the sense of psychometric mission that spurred the organization to measure any and all human talents. These days, as Lemann documents, ETS is more dedicated to hyping its products than to plumbing their limitations; it even suppresses negative data generated by its own researchers. For instance, in the 1970s, researcher Winton Manning produced for ETS a book in which he concluded that the SAT was "inadequate." ETS had second thoughts about publishing the book and shredded the entire print run. At the same time, ETS has faced enough assaults—from agitators such as Ralph Nader (who sponsored the 1980 book *The Reign of ETS*), from scholars such as James Crouse and Dale Trusheim (authors of 1988's *The Case Against the SAT*), and from SAT prep organizations such as Stanley Kaplan and Princeton Review—to have retreated from its original claim that the SAT tested "aptitude." Hence, in 1994, ETS renamed its most famous product the Scholastic Assessment Test.

More interested in the political issues surrounding the SAT than the intellectual ones, Lemann does not wade into the debate over the SAT's efficacy, even in his long discussion of the Prop. 209 controversy, in which the test figures prominently. SAT scores are, after all, the primary criterion by which applicants have long been admitted to California's more selective state schools. They are, in effect, the reason why affirmative action was necessary to maintain a significant non-Asian minority presence at those schools. There is a huge and continuing racial imbalance in SAT scores. On average, blacks score around 100 points lower than whites on both the math and verbal sections. Latinos average about 60 points lower than whites on each section.

Is the SAT actually helpful in identifying successful college students? Books have been and will continue to be written on this topic, but there's a rough consensus that if you want to predict a prospective student's grades for the first year of college—that's what ETS claims the SAT does—then the test adds a small degree of accuracy to reliance on the applicant's high school transcript alone. In a 1991 *Harvard Educational Review* article, Crouse and Trusheim found that considering SAT scores in addition to high school grades would cause selective colleges to change their admissions decisions no more than 16 percent of the time. Still, most colleges love the SAT, partly due to historical inertia, partly because of the aura of psychometric precision it creates, partly because it lets them brag that "*x* percent of our students got over *y* on the SAT." It also provides a "second opinion" in addition to high school grades, even if that opinion agrees almost all the time.

Lemann avoids questions about the SAT's efficiency because the test data undermine his egalitarianism, his apparent belief that almost anyone can do almost anything if he puts his mind to it.

I suspect Lemann avoids the efficacy question mostly because the SAT data undermine his latent egalitarianism, his apparent belief that almost anyone can do almost anything if he puts his mind to it and is given access to higher education of any sort. Indeed, taking a page from Conant and Chauncey, *The Big Test* conjures a world in which prestigious positions such as high-powered lawyer jobs and State Department berths would be open to any talented outsider with hustle, whether or not he had good educational credentials. Lemann evades the question of how employers are to judge beforehand how well employees will do in a position without the cultural markers of credentials. Since he seems to think such predictive metrics are unnecessary, Lemann instead raises the question: Regardless of its predictive value, is our emphasis on "the big test" really worth all the money, effort, and social ferment that it costs?

Such a query relates to *The Big Test*'s larger theme: "Who succeeds in America, and why?" Lemann identifies three tracks to success, represented by three types of citizens: Mandarins, Talents, and Lifers. Mandarins go to the best schools and think that, by dint of their education, they are indispensable to managing the massive machinery of the modern state. Just about any Rhodes Scholar would qualify. Lifers succeed through dogged determination, usually rising slowly through the ranks of public or private institutions. They are people who struggle to top positions in corporations or bureaucracies or law firms without the catapulting start of impressive Mandarin credentials. Talents are entrepreneurs: Bill Gates, David Geffen, and that guy in your town whose face is on all the real estate billboards.

Lemann is really concerned only with Mandarins, even as he recognizes that Lifers and especially Talents are not only more abundant but ultimately more important to the shape of American life. Indeed, even in the days of a relatively fixed Episcopacy, many—perhaps even most—of the entrepreneurs who radically transformed society started out as relative outsiders: Rockefeller, Du Pont, Ford, Guggenheim, Kennedy. This reality is disguised somewhat by the quickness with which such people move to the center of the establishment. It's also masked by the Mandarins' dominance of government and the media, where going to the right schools still seems to carry more weight than it does in many other areas of activity. But the prizes of the Mandarinate—especially

status and regard among themselves—mean more to them than to the rest of America, who tend to mistrust them as busybody eggheads.

More to the point, that emphasis on the Mandarin path explains why the SAT looms so large—disproportionately large—in Lemann's success scheme. If you want to advance the Mandarin way, you really do need to do pretty well on the SAT (less well if you can take advantage of affirmative action). As important, you need to *know* that you should do well on the SAT. Interestingly, the means to boost your scores—prep courses, guide books to the prep courses, and libraries and bookstores that contain the guide books—are more widely available than ever, suggesting a certain democratization of the testing process.

The gains realized through such methods can be quite substantial. The Princeton Review, for instance, claims that its typical student posts a 140-point gain on his combined SAT score; if you see less than a 100-point jump, you can retake the course for free. Still, it's a given that some people will always do better than others—and that those relative performances will have real effects on what sorts of schools people attend and what sorts of jobs they'll get after graduating.

But contrary to Lemann, the real problem isn't the emphasis our society puts on the SAT—or even on academic performance in general. It's the emphasis that people like him put on that college-dominated Mandarin path. While it's true that the lifetime financial returns to bachelor's, professional, and advanced degrees continue to grow, they are hardly preconditions for having satisfying, interesting, and remunerative careers. Indeed, in a country where only about one-quarter of people have a bachelor's degree—a percentage that is growing far more slowly than most people recognize—Harvard-trained lawyers such as Molly Munger are perhaps less representative of American life than Lemann presumes. Not all Americans need Mandarin credentials to succeed and thrive. Most Americans can be perfectly happy building their own businesses, or working for others, being creative and hard-working without an impressive diploma—or any diploma, for

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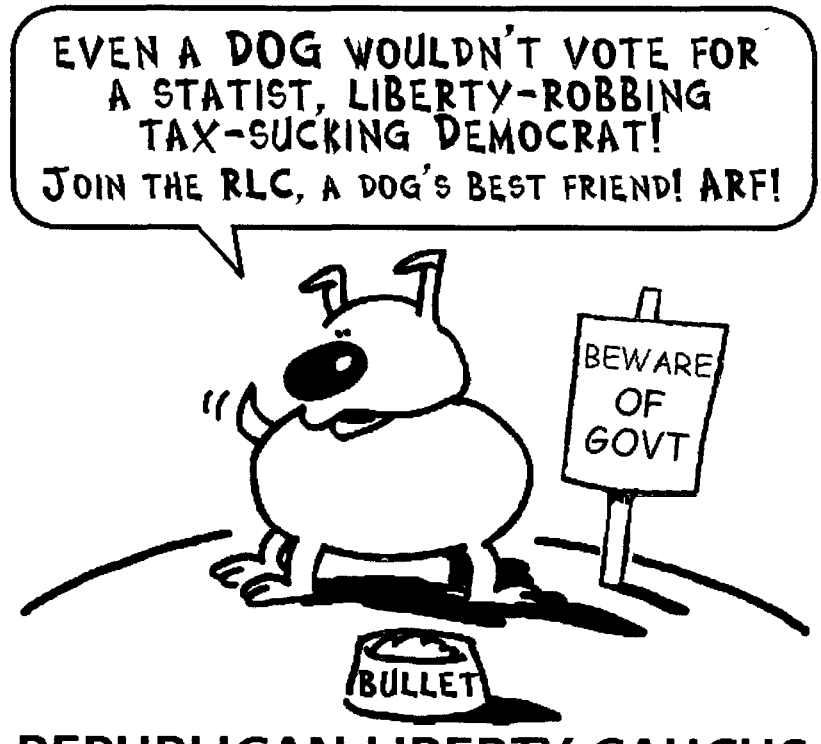
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that matter—on the wall.

Yet in *The Big Test*'s afterword, Lemann presents a policy prescription that implies that the Mandarin path is the only viable way to a worthwhile and rewarding life: He wants everyone not simply to go to college but to graduate from college. That would be an enormous waste of the time and resources for many people who would prefer to be elsewhere. Nor would it even level the playing field of success that much: An overwhelming social consensus that everyone has to attend college would just make a bachelor's degree as meaningless as an earlier social consensus has made a high school diploma. It wouldn't stop social sorting; it would simply bump it up to a higher level.

More to the point, and despite Lemann's myopic focus, America still has, as much as ever, those other venues to success: the vibrant, idiosyncratic Talent track and the more systematized but also more open Lifer track. Of course, as *The Big Test* shows, the Mandarin track is alive and well, too, with fine people from good schools—Lemann himself is, unsurprisingly, a Harvard graduate—striving to manipulate the social order to create their utopia.

Brian Doherty (bmdoherty@aol.com) is the Warren Brookes Fellow at the Competitive Enterprise Institute.

Ad Vice

By Timothy Virkkala

Coercion: Why We Listen to What "They" Say, by Douglas Rushkoff, New York: Riverhead Books, 321 pages, $24.95

Once upon a time, Douglas Rushkoff thought the Internet and other new media were going to unleash the power of individuals over institutions. He wrote books promoting this dream, most famously *Media Virus* (1994), and made a name for himself as a cyberutopian. Then the Establishment invaded the Net and turned Rushkoff's liberatory tool to its own ends, littering the Web and his beloved e-mail inbox with that ugly thing, commerce. Admen and P.R. flacks even had the gall to try to use him and his ideas for their own nefarious ends.

So in 1998, Rushkoff signed on to the "Technorealist" movement, which aims, in his words, "to support the mindful development of cyberculture beyond the priorities set by business interests" while avoiding "neo-Luddite" hysteria. Dashed hopes and all, Rushkoff remains a prophet, but one closer in spirit to Jeremiah than to Moses. In *Coercion*, he purports to reveal not a promised land but our most grievous faults. His theme is how professional "coercers" make suckers of us all.

In *Coercion*, Douglas Rushkoff bewails the introduction of commerce into cyberspace. But his progress from Internet optimist to "technorealist" is a thing of comedy.

For those of us who use the word *coercion* in its conventional sense—that is, as the use or threat of force—the questions about Rushkoff's book start with its title. He is actually writing about the many methods of base rhetoric, of unwholesome persuasion: indirection, trickery, deceit. He is not describing systems of social control that carefully conceal the threat of force behind, say, noble-sounding rhetoric; that is, he is not talking about politics. He is talking about commerce. But sellers "threaten" us, at worst, by withholding an enticement.

At one point, amusingly, Rushkoff slips into the standard use of the word, with a reference to the CIA's "noncoercive interrogation" techniques. Why does Rushkoff bring this up? To explain how salespeople use similar techniques as part of their "coercion." Here and elsewhere, Rushkoff demonstrates that his peculiar use of a common word disables him. There is a continuum from coercion proper, through coercion loosely conceived as he thinks of it, to plain, honest persuasion. By misusing one word, he defeats his whole enterprise. "The fact is," he states without irony, "*everything* is coercive." Except, of course, those CIA interrogation techniques.

So Rushkoff's villains are admen and marketers. They gain our compliance not with threats of jail or death but with jingles, point-of-sale racks, and puff pieces carefully placed in the press. For instance, Rushkoff offers the sad story of "Mort Spivas," a salesman he knows who lies and cheats, the better to bilk his customers. Mort finagles a nice old couple into purchasing an expensive therapeutic bed they don't really need, for more money than advertised, on the poorest terms around. Then Mort has a crisis of conscience, landing in the hospital for a "heart condition" that turns out to be little more than a partial change of heart.

Rushkoff uses Mort's story to introduce the "science" of selling, as developed from Dale Carnegie's day to our own. It is all very interesting stuff. We learn, for example, that the development of "system selling" among car dealers has gone through increasingly slick iterations, one ushered in by a consumer advice book appropriately titled *Don't Get Taken Every Time*. As the chapter wears on, however, Rushkoff loses his bearings; he seems to suggest that all marketing is as bad as Mort's manipulations. He expends little energy considering what "good" selling might be. Selling itself is suspect.

Consider Rushkoff's take on the easy-going atmosphere of the Gap. By "creating an ambiance of customer service and a basic sense of trust," he writes, "companies using the soft sell fool us into believing they have abandoned the cruelest coercive practices of their predecessors, when all

they've really done is replaced them with kinder-*looking* ones and shifted the direct abuse onto their salespeople." Beyond the question of whether "the ambiance of customer service and a basic sense of trust" might actually be real, does Rushkoff really think that pleasant shopping correlates directly with poor working conditions?

It doesn't end with the Gap, of course. "Atmospherics," he explains, is the art and science of influencing behavior through careful design of architecture and interior decor, lighting, sound, and smell. Malls, thus, are carefully planned to induce what those in the trade call the "Gruen transfer," when consumers mutate from shoppers for specific items into impulse buyers for damn near anything. While this argument seems strong at first, Rushkoff then tells us that discount warehouses emerged in response to a rising distaste for the mall environment—and that these are coercive, too. They may not have salespeople tricking us, they may not dazzle us with carefully sculpted point-of-sale displays, they certainly lack glamour and glitz, and they have no comforting aura with which to impart that certain touch of disorientation that mall developers love. But this lack of artfully contrived selling schemes doesn't absolve them in Rushkoff's eyes. After all, he writes, they "rely on our inability to answer" certain questions, such as, "Do you feel truly confident as you try to make sense of in-sink garbage disposal strategies? Do you know whether horsepower or flow rate is the more significant statistic?"

Rushkoff ignores the obvious retort: Human beings never have had this kind of knowledge. We didn't before discount warehouses graced the landscape, and we won't when we purchase everything from the Web and have it delivered to our homes by matter transfer. We can spend time researching some items, but surely not everything we buy. "We are all ignorant," said Will Rogers, "just on different subjects." And this lack of omniscience in no way adds up to a case against the superstore.

But Rushkoff has a more basic point. These environments, too, are planned to appeal to consumers, he argues, so they can't help but be manipulative: "Conscious of the millions of dollars being spent on store environments, many people feel as if they will get better value shopping in an environment stripped down to its bare essentials. What they may not realize is that those stores, too, are meticulously engineered to exploit just such a state of mind."

It is a mark of Rushkoff's method that he never bothers to ask such relevant questions as, Are there better deals at Costco than at the Bon Marche or a mall shop? Then again, why should he waste time comparing prices? If "they" are selling something, Rushkoff reasons, they must be out to get us.

If "they" are salespeople, then who exactly is "us"? Rushkoff distinguishes three types of consumers. A "traditionalist" is "emotionally moved by politicians'

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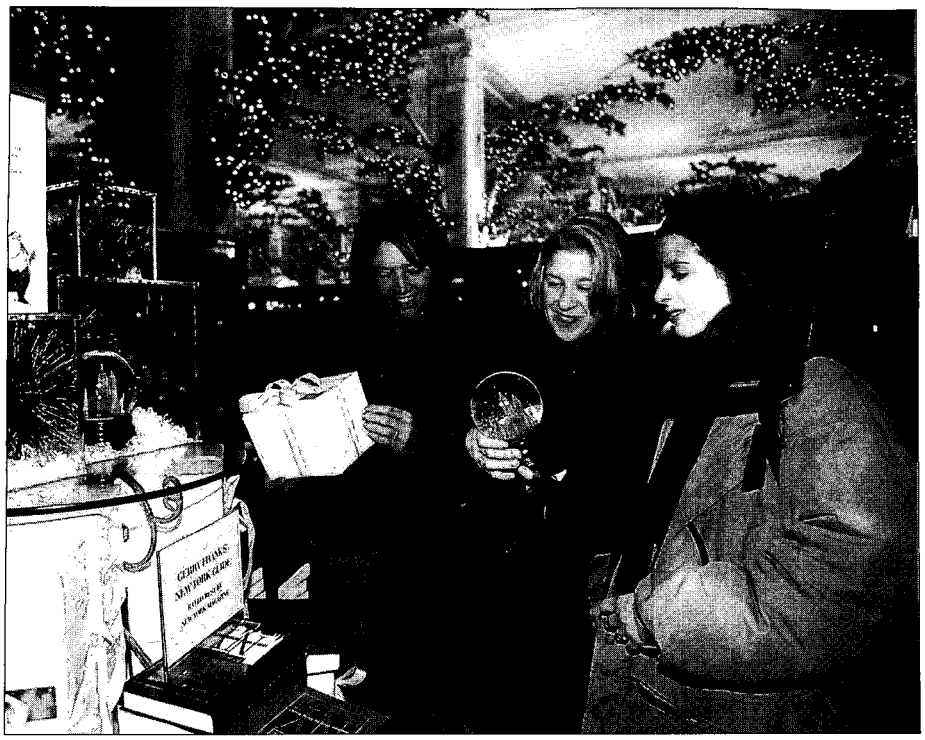
What is your Will?



Shop 'Til "They" Make You Drop: For Douglas Rushkoff, all selling is coercion.

speeches, dedicated to [his] local sports teams, and ready to believe that government agencies would prevent us from being duped by misleading advertisements." Such people are, if not atavisms, at least remnants of an era that seems to be passing quickly away. A "New Simpleton," by contrast, demands "straightforward, no-nonsense explanations for what [he's] supposed to buy or do."

The third group, the "Cool Kids," react to advertising in a much more complex fashion. They feel they understand "how the media hope to manipulate" them, and their basic attitude is one of "ironic detachment." The younger generations haven't just grown up with mass media, Rushkoff argues; they've grown up with remote controls. "Young people and remote-control-capable adults no longer sit back and watch a television program; they watch the TV set and put it through its paces. They are literally watching and deconstructing styles of programming."

Yet despite their media savvy, Rushkoff writes, even Cool Kids can be manipulated. "The stance of ironic detachment, while protecting ourselves from straightforward linear stories and associations, nonetheless makes us vulnerable to more sophisticated forms of influence," he says. How does it do this? By robbing us of meaning, and leaving us yearning for "some value, any value, to accept completely and genuinely."

Which perhaps accounts for Rushkoff's *serioso* mood throughout. He's not going to let anyone trick him into falling for something. Though he clearly identifies on a certain level with the Cool Kids, in this sense Rushkoff is a New Simpleton par excellence. He wants people to make choices rationally, based on explicit information and an easily listed set of preferences. For him, warm feelings in fuzzy categories are best left to nonmarket relations—you know, like "family" and "community."

Strangely, Rushkoff pulls back from espousing explicit public policies to deal with the problems, real and imaginary, that he describes. Instead, he draws a vaguely individualist lesson: Basically, "we" are "they," and "without our complicity, they are powerless."

At this point, ironic detachment starts looking pretty good. If we are snookered a hundred ways till Sunday yet remain somehow responsible, mightn't a little snicker be, at least once, the appropriate response?

Coercion is a balanced book in at least one sense: For every real insight, it gives us something utterly ludicrous. Even the best part, the next-to-last chapter on "Virtual Marketing," includes some gasp-inducing statements. Here's one at random: "As anyone who has used an Internet account for a while will tell you, the majority of messages circulating online are the electronic equivalent of junk mail, or what has become known as 'Spam.'" I have used several Internet accounts, for more than a few years, and this flies in the face of my experience. Sure, I get quite a few ads at one of my Yahoo! addresses, but unlike Rushkoff—who complains of lacking an easy way to distinguish junk mail from friends' mail—I can identify spam at a glance, and kill it with a few clicks. I read only what interests me, only those messages that have enticed me with an interesting subject line or a familiar e-mail address. Why complain about something so easy to dispose of? A flick of the finger and it's gone. No bulging garbage bag, no trip to the dumpster.

And so I react to this book precisely as it would have us react to a sales pitch. Rushkoff is pushing something, and that something does not seem to be in my interest. Like any good salesman, he tells a good story, and his wares do not wholly lack merit. But he's twisting words and arguments in untrustworthy ways.

My advice, then, is for readers still curious about his book to learn from the masters of the video remote and program for themselves. Check out the chapter on "Virtual Marketing," in which Rushkoff tells the tale of an Internet twisted from its communitarian origins into a commercial monstrosity. Perhaps you will not react as I did (I suspect that Rushkoff has always been a bit off the beam). Perhaps you will not see his progress from eschatological Internet optimist to sour and beleaguered "Technorealist" as a thing of comedy. Perhaps you'll buy what he's selling. ◆

Timothy Virkkala (houyhnhnm@yahoo.com) is a writer living in Kirkland, Washington.

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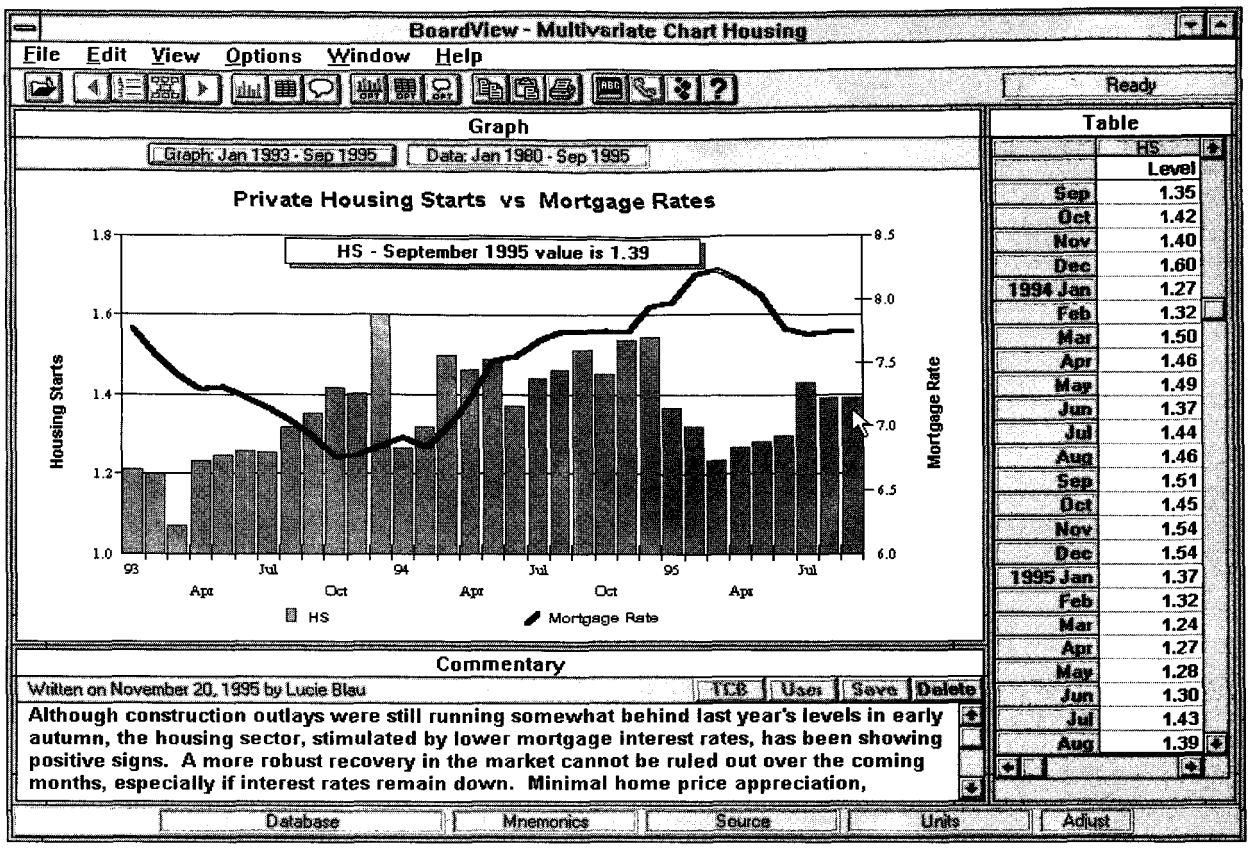
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Nov	1.40
Dec	1.60
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Feb	1.32
Mar	1.50
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Jul	1.44
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Dec	1.54
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Barbed Image

This famous picture, called one of the "key images" of the Bosnian war, is a video capture from tape shot in 1992 by the British news organization ITN. It seems to be evidence that Bosnian Serbs at Trnopolje had imprisoned Muslims behind barbed wire, redolent of Nazi concentration camps. Judging from the condition of the man in the foreground, the prisoners apparently were being mistreated. It is an accusation as much as an image, and was used that way by publications throughout the world.

But in 1997, the small British magazine *LM* published an article by a German freelancer named Thomas Deichmann arguing that the image was not what it seemed. The piece asserted that the people in the image were not imprisoned, but in a transit center for refugees. In *LM*'s telling, there was no barbed wire around the camp; the fence in the picture actually surrounded an old agricultural compound next to the camp, and it was the ITN camera crew, not the Bosnian Muslims, who were behind the wire.

ITN sued, demanding, among other things, that the *LM* issue be pulped; *LM* is fighting the suit, and has laid out its evidence and its case online, at http://www.informinc.co.uk/ITN-vs-LM/story/footage.html.

The court case was finally scheduled to begin on February 28 in London. At issue, of course, is not merely ITN's reputation or *LM*'s survival, but the myth-making power of imagery.

—Charles Paul Freund

Why Are Minimum Wages So Popular?

Thomas MaCurdy is a senior fellow at the Hoover Institution and a professor of economics at Stanford University.

As in 1996, when we last saw an increase in the federal minimum wage from $4.25 to $5.15 an hour, political pressure is once again building to raise it by another $1. What accounts for the popularity in the minimum wage? Two beliefs! First, that raising the minimum wage is an effective antipoverty program and, second, that the minimum wage imposes little social cost. Anyone holding either view should acquaint themselves with the facts.

When considering the first belief, understand that most low-wage workers are not in poor families and that the bulk of the increased earnings attributable to raising the minimum wage does not accrue to low-income families. According to a variety of professional studies, only about one in four low-wage workers resides in families in the bottom 20 percent of the income distribution, and less than one in five dollars of the additional earnings goes to families who rely on low-wage compensation as their primary source of income. Moreover, as a pretax increase, many of the additional earnings are taxed away as Social Security contributions or as state and federal income taxes.

This brings us to the second common belief: Minimum wage hikes are manna from heaven–wages will rise and no one will bear the cost. This, of course, cannot be true. No one argues that artificially raising wages makes the economy more productive and actually boosts total national income. So the logic is inescapable. If low-wage workers receive more income after a minimum wage hike, someone must be paying for it.

When pressed, most minimum wage advocates suggest that "slight" price increases will be the primary source for paying for legislated wage increases. They heartily reject the view that low-wage workers will pay much directly through job loss or lowered employee benefits. An alternative is that firms will pay for those wage increases through lower profits, but it is unlikely that firms would bear significant profit losses without eliminating jobs. In relying on higher prices for covering mandated increases in wages, job loss can be kept to a minimum.

But then the question becomes, Who pays the higher prices to cover costs? A comprehensive analysis of the 1996 federal hike in the minimum wage estimates that prices rose on a broad range of commodities to fund this increase and that families of all income groups purchase these goods. Families in the lowest 20 percent of the income distribution pay annually an average of $61 in higher commodity costs, whereas families in the highest 20 percent pay only $150 more. The implied coverage of costs is at least as regressive as a conventional sales tax. Moreover, nearly 75 percent of poor families receive no additional earnings, but all paid higher costs following the minimum wage.

In fact, then, increasing the minimum wage amounts to a policy that artificially raises prices in an income-regressive manner, using the proceeds to pay higher earnings to workers in one in four families selected irrespective of their income. One wonders why such a policy enjoys the popularity it does.

— Thomas MaCurdy

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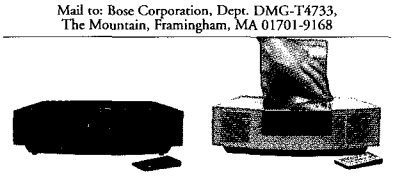

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